

LIQUOR COMMISSION
CITY AND COUNTY OF HONOLULU
PACIFIC PARK PLAZA
711 KAPIOLANI BOULEVARD, SUITE 600
HONOLULU, HAWAII 96813

AGENDA – THIRTY-EIGHTH MEETING

THURSDAY, APRIL 8, 2021
4:00 P.M.

PUBLIC PARTICIPATION AND TESTIMONY

Pursuant to the Eighteenth Proclamation issued by Governor David Ige on February 12, 2021, relating to the COVID-19 pandemic (Proclamation), in order to allow public participation in a manner consistent with social distancing practices the following procedures are in effect for the meeting. *The procedures have been modified to comply with Mayor Blangiardi's Emergency Order No. 2021-04, effective March 24, 2021 (Emergency Order). In accordance with concern for public health and safety, in-person testimony in the hearings room has been cancelled until further notice. Please see the instructions below on how to submit oral testimony on any scheduled matter or how to make your appearance on a scheduled matter.*

VIEWING THE MEETING AND RESTRICTIONS ON ENTRY

No members of the public will be allowed into the hearings room, but may listen to the meeting on a live broadcast. The meeting may be heard by internet live streaming through <https://zoom.us/j/98374815386>; by dialing 1-408-638-0968, entering the meeting ID#: 983 7481 5386#; or, the preferred method, via the Liquor Commission website event calendar at <http://www.honolulu.gov/liq/event-calendar/>. You may pre-register to attend this meeting.

All Commissioners will be participating in the meeting by interactive conference technology from remote locations.

To provide the public with the best opportunity to observe the meeting, it is required to "mute" your device's microphone to prevent technological difficulties.

All persons who are required to appear for the meeting must make your appearance by joining the meeting on the Zoom platform as described above. Please be aware that joining the meeting will involve entering the meeting number and completing a registration process so please allow sufficient time for this task. For testifiers or required attendees who are not able to access the Zoom platform, an equipment and internet access station will be available for use in Suite 111. While in Suite 111, all Social Distancing Requirements set forth in the Proclamation and the Emergency Order must be strictly observed.

Within forty (40) days after the meeting, the minutes will be posted to the Liquor Commission website at <http://www.honolulu.gov/liq/event-calendar/> for viewing. The minutes of prior meetings may also be viewed at said website.

ORAL TESTIMONY

Oral testimony will be permitted on all matters before the Commission subject to the following restrictions:

1. *All oral testimony must be submitted remotely through the Zoom platform.*
2. Each speaker is limited to a three-minute presentation.

WRITTEN TESTIMONY

Written testimony is strongly encouraged and may be submitted to the Administrator of the Commission three (3) working days prior to the date of the meeting as follows: FAX (808) 768-7311 or E-MAIL liquor@honolulu.gov. Written testimony will not be accepted in person at the meeting.

MATERIALS AVAILABLE FOR INSPECTION

Meeting materials ("board packet") will be available for viewing electronically, as soon as practicable, at the Liquor Commission website (<http://www.honolulu.gov/liq/event-calendar/>).

APPROVAL OF MINUTES:

The regular and executive session minutes of the 45th (6/25/20), 29th (2/4/21), and 31st (2/18/21) meetings, as previously circulated, to be approved by the Commission.

PRELIMINARY HEARINGS:

- | | |
|---|--|
| 1. Trans. Appl. No. 21-22266 from JMM Management, Inc., dba The Counter | For the transfer of the business and Restaurant General license (Category No. 2 - Live entertainment or Recorded Music and Dancing) of TC Kahala, LLC, dba The Counter, 4211 Waialae Avenue, Space E-2 (R0886) |
| 2. Appl. No. 21-22739 from Industry Outlaw, Inc., dba Mana + Pua, 66-526 Kamehameha Highway, Space No. 200-1 (Haleiwa Plantation Shops) | For a Dispenser Beer and Wine license (Category No. 1 – Standard Bar) |

LICENSE APPLICATION:

Temporary License Application:

- | | |
|---|--|
| 3. Appl. No. 21-22925 from Volcano Skewer House LLC, dba Volcano Skewer House | For a [Stand-Alone] Temporary Restaurant General license (Category No. 2 - Live entertainment or Recorded Music and Dancing) at 808 Sheridan Street, Unit 109, the former site of UB LLC |
|---|--|

REQUEST:

- | | |
|--|---|
| 4. Request No. 21-22919 from Aloha Pronto Waikiki, LLC, dba Aloha Beer Downtown, Restaurant General license (Category No. 2 - Live entertainment or Recorded Music and Dancing), 220 South King Street (R1431) | Requesting approval to permanently increase its licensed premises |
|--|---|

OTHER BUSINESS:

- | | | |
|----|---|---|
| 5. | Request No. 21-22969 from Mr. Jason Takemura, President, Bamboo Catering Inc., dba Bamboo Catering | Requesting waiver of requirement to submit a notarized Personal History and Affidavit for all future Special General license applications |
| 6. | Request No. 21-22970 from Keith M. Kiuchi, Esq., on behalf of PB Restaurant Corp., dba Taqueria El Gallo Rosa | Requesting waiver of Rule 3-82-32.1(a) requiring a temporary license application be filed within five working days of the surrender of the previous license or the closing of the business

(Premises at 1200 Ala Moana Boulevard, Space B001101 (Ward Centre); former site of Kakaako Kitchen) |
| 7. | Request No. 21-22978 from Jordan Kakalia, owner of The Cutlery | Requesting waiver of Rule 3-82-32.1(a) requiring a temporary license application be filed within five working days of the surrender of the previous license or the closing of the business

(Premises at 3435 Waialae Avenue, #103; the former site Town (R0766)) |

ADJUDICATION HEARINGS:

- | | | |
|----|---|---|
| 8. | Arena 808 Sports Lounge (LCV 21-0007) (R1079) | (1) Licensee failed to make time record entries at the time its employee reported on duty and again when the employee went off duty (Violation of Rule 3-82-38.4(b)) (Date of violation: On or about December 22, 2020) |
|----|---|---|

ADJUDICATION HEARINGS: (CONT.)

- | | |
|--|---|
| Arena 808 Sports Lounge
(LCV 21-0007)
(R1079)
(Cont.) | (2) Licensee failed to comply with any other laws applicable to the business of Licensee, whether in existence at the time of issue of such license or enacted or amended from time to time thereafter, to wit, violating the terms of the Office of the Mayor of the City and County of Honolulu Emergency Order No. 2020-30 (COVID-19 [Novel Coronavirus]) (Violation of Section 281-38, HRS) (Date of violation: On or about December 22, 2020)

(Continued from March 18, 2021) |
| 9. Back Alley Café
(LCV 21-0060)
(R1028) | Licensee failed to comply with any other laws applicable to the business of Licensee, whether in existence at the time of issue of such license or enacted or amended from time to time thereafter, to wit, violating the terms of the Office of the Mayor of the City and County of Honolulu Emergency Order No. 2020-31 (COVID-19 [Novel Coronavirus]) (Violation of Section 281-38, HRS) (Date of violation: On or about December 30, 2020)

(Continued from March 18, 2021) |
| 10. Club Secret
(LCV 19-0257)
(E1190) | Licensee's employee consumed liquor while on duty on the licensed premises (Violation of Rule 3-84-78.01(b)) (Date of violation: On or about August 11, 2019)

(Continued from March 18, 2021) |

ADJUDICATION HEARINGS: (CONT.)

11. Club Secret
(LCV 19-0430)
(E1190)

- (1) Licensee's employee, who was not employed as an exotic dancer, was unclothed or in such attire, costume or clothing as to expose to view any portion of the pubic hair, anus, cleft of the buttocks, genitalia, or any portion of the female breast below the top of the areola (Violation of Rule 3-84-78.02(a)) (Date of violation: On or about November 22, 2019)
- (2) Licensee allowed the obstruction, hampering, or interfering with investigations or Commission operations in any way, including but not limited to, the sounding of alarms, flashing of lights or use of a public address system or other advance warning announcing the arrival of Commission investigators (Violation of Rule 3-84-79.1) (Date of violation: On or about November 22, 2019)

(Continued from March 18, 2021)

12. Club Secret
(LCV 20-0330)
(E1190)

- (1) Licensee failed to comply with any other laws applicable to the business of Licensee, whether in existence at the time of issue of such license or enacted or amended from time to time thereafter, to wit, violating the terms of the Office of the Mayor of the City and County of Honolulu Emergency Order No. 2020-30 (COVID-19 [Novel Coronavirus]) (Violation of Section 281-38, HRS) (Date of violation: On or about December 19, 2020)

ADJUDICATION HEARINGS: (CONT.)

- | | |
|---|--|
| Club Secret
(LCV 20-0330)
(E1190)
(Cont.) | (2) Licensee failed to have the street and/or primary entrances to the licensed premises unlocked during the time customers were on the premises (Violation of Rule 3-84-72.2) (Date of violation: On or about December 19, 2020) |
| | (Continued from March 18, 2021) |
| 13. Golden Pond Liquor & Sundries
(LCV 20-0070)
(D0015) | Licensee sold, served or furnished intoxicating liquor to a minor, or allowed consumption of intoxicating liquor by a minor, at the licensed premises (Violation of Section 281-78(b)(1)(A), HRS) (Date of violation: On or about March 8, 2020) |
| 14. Palama Supermarket Makaloa
(LCV 20-0071)
(D1061) | Licensee sold, served or furnished intoxicating liquor to a minor, or allowed consumption of intoxicating liquor by a minor, at the licensed premises (Violation of Section 281-78(b)(1)(A), HRS) (Date of violation: On or about March 8, 2020) |
| 15. 88 Palpal Supermarket
(LCV 20-0072)
(D1241) | Licensee sold, served or furnished intoxicating liquor to a minor, or allowed consumption of intoxicating liquor by a minor, at the licensed premises (Violation of Section 281-78(b)(1)(A), HRS) (Date of violation: On or about March 8, 2020) |
| 16. Nijiya Market
(LCV 20-0074)
(D1142) | Licensee sold, served or furnished intoxicating liquor to a minor, or allowed consumption of intoxicating liquor by a minor, at the licensed premises (Violation of Section 281-78(b)(1)(A), HRS) (Date of violation: On or about March 8, 2020) |

ADJUDICATION HEARINGS: (CONT.)

- | | |
|--|--|
| 17. Dean & Deluca
(LCV 20-0075)
(D1239) | Licensee sold, served or furnished intoxicating liquor to a minor, or allowed consumption of intoxicating liquor by a minor, at the licensed premises (Violation of Section 281-78(b)(1)(A), HRS) (Date of violation: On or about March 8, 2020) |
| 18. Longs Drugs #9185
(LCV 20-0076)
(D0244) | Licensee sold, served or furnished intoxicating liquor to a minor, or allowed consumption of intoxicating liquor by a minor, at the licensed premises (Violation of Section 281-78(b)(1)(A), HRS) (Date of violation: On or about March 8, 2020) |
| 19. Jong Mee Corporation
(LCV 20-0084)
(D0610) | Licensee sold, served or furnished intoxicating liquor to a minor, or allowed consumption of intoxicating liquor by a minor, at the licensed premises (Violation of Section 281-78(b)(1)(A), HRS) (Date of violation: On or about March 8, 2020) |
| 20. McCully Union Service Inc.
(LCV 20-0088)
(D1233) | Licensee sold, served or furnished intoxicating liquor to a minor, or allowed consumption of intoxicating liquor by a minor, at the licensed premises (Violation of Section 281-78(b)(1)(A), HRS) (Date of violation: On or about March 8, 2020) |
| 21. McCully Pantry
(LCV 20-0089)
(D1128) | Licensee sold, served or furnished intoxicating liquor to a minor, or allowed consumption of intoxicating liquor by a minor, at the licensed premises (Violation of Section 281-78(b)(1)(A), HRS) (Date of violation: On or about March 8, 2020) |

ADJUDICATION HEARINGS: (CONT.)

- | | |
|---|---|
| 22. Nico's
(LCV 20-0091)
(D1179) | Licensee sold, served or furnished intoxicating liquor to a minor, or allowed consumption of intoxicating liquor by a minor, at the licensed premises (Violation of Section 281-78(b)(1)(A), HRS) (Date of violation: On or about February 8, 2020) |
| 23. Livestock Tavern/
The Tchin Tchin! Bar
(LCV 20-0127)
(R1085) | Licensee failed to comply with any other laws applicable to the business of Licensee, whether in existence at the time of issue of such license or enacted or amended from time to time thereafter, to wit, Fire Code of the City and County of Honolulu (Violation of Section 281-38, HRS) (Date of violation: On or about July 1, 2020) |
| | (Continued from November 19, 2020) |
| | [History: 8/27/20, 9/17/20, 11/19/20] |

OTHER BUSINESS: (CONT.)

- | | |
|--------------------------|--|
| 24. Liquor Administrator | Legislative update |
| 25. Liquor Administrator | Administrative matters – Weekly report to the Commission, 90-day event schedule and work plan coordination |

If you require special assistance, auxiliary aid and/or service to participate in this meeting (i.e., sign language interpreter; interpreter for language other than English, or wheelchair accessibility), please email your detailed request to liquor@honolulu.gov, at least five (5) business days prior to the meeting.

LICENSING INVESTIGATIVE REPORT

DATE: March 31, 2021

SUBJECT: Transfer application No. 21-22266 JMM MANAGEMENT, INC., dba THE COUNTER, at the current site of TC KAHALA, LLC, dba THE COUNTER, Restaurant General Category 2 (Dancing / Music), 4211 Waialae Ave., Space E-2, Honolulu, HI

CORPORATE STRUCTURE:

JMM MANAGEMENT, INC.: was incorporated under the laws of State of Hawaii on August 3, 2020, and is authorized to issue 1,000 shares of which 1,000 shares are outstanding and issued. Its sole officer and stockholder is:

<u>NAME</u>	<u>TITLE</u>	<u>SHARES</u>	<u>PERCENT</u>
JON MURANAKA	P/S/T/D	1,000	100%

See **Exhibits A** for biographical background information of JON MURANAKA. CJIS Check was conducted on March 29, 2021, and the results were negative for any felony convictions.

FINGERPRINTS:

Fingerprinting results for Jon Muranaka have not been received. **Fingerprint results must be received prior to the issuance of a liquor license.**

FINANCIAL STATEMENT OF JMM MANAGEMENT INC., AS OF SEPTEMBER 3, 2020:

Financial Statement of the applicant dated September 4, 2020, was submitted to the Commission on September 9, 2020, and certified by the applicant by the applicant to be substantially correct.

TEMPORARY APPLICATION FILED:

The applicant filed a temporary application 21-22265 on September 9, 2020.

CONSIDERATIONS:

According to a letter dated September 1, 2020, item 2, consideration paid was in the amount of \$10K for furniture, fixtures & equipment and will eventually enter into a franchise agreement to be allowed to operate a The Counter restaurant at the premises.

Refer to **Exhibit B** for more details.

TRADE NAME:

The trade name "The Counter" is registered to TC Kahala, LLC (sublessor), until June 4, 2025.

LICENSE IN EFFECT FOR MORE THAN ONE YEAR:

The Restaurant General license has been in effect since February 5, 2009.

DESCRIPTION OF THE PROPOSED LICENSED PREMISES:

Location: 4211 Waialae Ave., Space E-2, Honolulu, HI

Details of Premises: the irregular shaped premises is approximately 3,100 sq.ft. overall.

Premises:

- Outdoor Seating area
- L-Shape Bar / Counter
- Indoor Dining Area
- Kitchen Area

- Storage Area
- Separate Men's and Women's Restrooms

See **Exhibit C** for floor plan details.

Parking: Parking is available within the shared parking lot of Kahala Mall.

UNLICENSED AREA: The **mezzanine area** accessible by a stairway, kitchen area, at the Makai/kokohead portion of the premises. This area was not included in the initial license application (Application Number 1427), received August 20, 2008.

Prior Commission approved the initial license application and subsequent transfer application with the mezzanine area being unlicensed.

ISSUE: §3-83-62(b); No licensee that is authorized on-premise consumption shall have an opening or entrance from within the licensed premises into any other enclosed, unlicensed part of the same structure, or into any adjoining, enclosed, unlicensed structure offering entertainment.

BACKGROUND:

According to the Liquor Commission records, TC Kahala LLC, dba The Counter, was granted a Restaurant General licensed at the subject location effective February 5, 2009.

REASON FOR TRANSFER:

According authorized agent Newton Chu, "corporate has found a new franchisee" is the reason for transfer.

OTHER MATTERS PERTAINING TO THE APPLICATION WHICH MAY AFFECT ISSUANCE OF THE LICENSE:

Kind of business: Applicant will continue to operate the business as a restaurant general license.

Business Hours: 11:00 am to 9:00 pm daily

There will be 6 employees in total with 2 registered managers and 3 bartenders registered with the Commission.

Sublease: A sublease between JMM Management (applicant) and TC Kahala, LLC and Kahala Center Company, LP ("Landlord"), is effective, October 2, 2020 to February 28, 2029.

LIQUOR LICENSE INTERESTS: None.

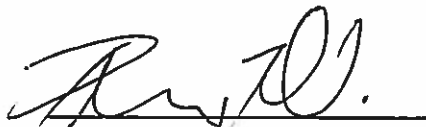
HISTORY OF VIOLATIONS: No major violations found.

PENDING VIOLATIONS: None.


ZONING CLEARANCE: A valid zoning clearance must be submitted prior to the issuance of a liquor license.

OPINION:

We are unsure if the statutory requirements have been met, prior commission (s) approved the mezzanine as unlicensed, which is a part of the business / premises within the same structure.


Thanh Phung,
Licensing Investigator

Reviewed by:


Daniel Sato,
Supervising Investigator *ch*

711 KAPIOLANI BOULEVARD, SUITE 600, HONOLULU, HAWAII 96813-5249
PHONE (808) 768-7300 • FAX (808) 768-7311
INTERNET ADDRESS: www.honolulu.gov/lig

RECEIVED
LIQUOR COMMISSION
C&C OF HONOLULU

RECEIVED
LIQUOR COMMISSION
C&C OF HONOLULU

2020 AUG 28⁵ A 9:47

Rule 3-83-53.1

2020 SEP -9 P 2:11

CITIZENSHIP* USA DATE ARRIVED IN
HAWAII (if applicable)

*(If not a U.S. citizen, indicate type of Visa, or Resident Alien Card No., or Immigration Department No.)

EMPLOYMENT RECORD (from the time school was completed to present):

[illegible]

(If additional space is needed, please use reverse side)

NOTARY INITIAL: BN

List your experience in the liquor industry: _____

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C&C OF HONOLULU

2020 SEP - 9 P 2:12

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C&C OF HONOLULU

2020 AUG 28 A 6:48

Will you devote time to manage the subject business? ☒ Yes ☒ No

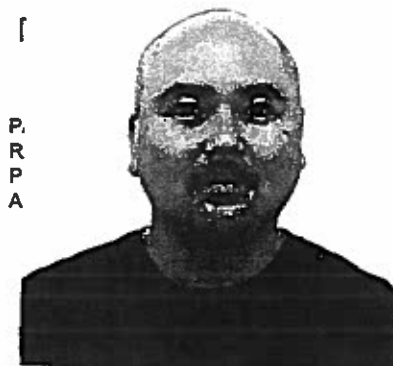
If answer is "YES", will it be ☒ Full time, or ☐ Part-time?

I, Jon Muranaka, of _____

(Full Street Address, City, State, Zip)

being first duly sworn, deposes, and says, that the above information is true and correct and that I ☐ have ☒ have not) been convicted of any felony charge.

Jon Muranaka
Signature



P.
R.
P.
A.

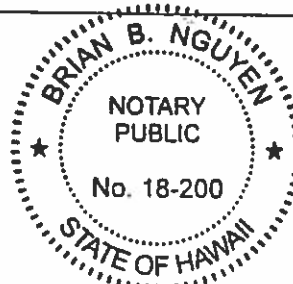
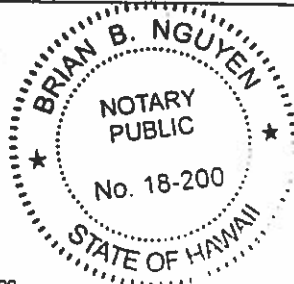
FOR NOTARY USE ONLY

STATE OF HAWAII
City and County of Honolulu

} SS.

On this _____ day of _____ in the year of _____, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to within the foregoing instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the aforementioned instrument the person, or the entity upon behalf of which the person(s) acted, executed the aforementioned instrument in free act and deed.

<p><u>Jon Muranaka</u> Signature of applicant(s) before Notary</p> <p>Subscribed and sworn to before me this: <u>20th</u> day of <u>August</u>, 20<u>20</u></p> <p><u>Brian B. Nguyen</u> Signature of Notary</p> <p>Print Name: <u>Brian B. Nguyen</u> Notary Public, State of Hawaii</p> <p>My commission expires <u>04/22/2022</u></p> <p>(Place Notary Stamp or Seal here)</p>	<p>NOTARY CERTIFICATION</p> <p>Date of Doc: <u>08/20/2020</u> # of Pages: <u>2</u></p> <p>Notary Name: <u>Brian B. Nguyen</u> <u>1st</u> Circuit</p> <p>Doc. Description: <u>Personal History And Affidavit</u></p> <p><u>Brian B. Nguyen</u> Notary Signature</p> <p><u>08/20/2020</u> Date</p> <p>(Place Notary Stamp or Seal here)</p>
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KAHALA

B R A N D S

RECEIVED
LIQUOR COMMISSION
C&C OF HONOLULU

the
COUNTER
CUSTOM BURGERS

2020 SEP -9 P 2:12
September 1, 2020

Liquor Commission
City and County of Honolulu
711 Kapiolani Blvd., Suite 600
Honolulu, HI 96813-5249

Re: Transfer of License No. R0886/Temporary License to be Issued to JMM Management, Inc. ("JMM") in connection with a The Counter restaurant located at: 4211 Waialae Ave., Space E-1, Honolulu, HI 96816 ("Premises").

To Whom It May Concern:

Please allow this letter to confirm the following:

- 1) TC Kahala LLC (the tenant under the master lease) provided the required 30-notice to the master landlord of the Premises to have JMM operate as a sublessee under the TC Kahala LLC master lease; actual master landlord consent for such sublease is not required;
- 2) JMM is paying consideration in the amount of \$10,000 for certain the furniture, fixtures & equipment and will eventually enter into a franchise agreement to be allowed to operate a The Counter restaurant at the Premises; and
- 3) The business of The Counter meets the definition of a Restaurant because in Year 2019 it had approximate annual food sales of \$1,930,672 or 88.2% sales and annual liquor sales of \$259,033 or 11.8% sales in 2019.

Sincerely,

Kimberly A. Lane
Authorized Agent of TC Kahala, LLC

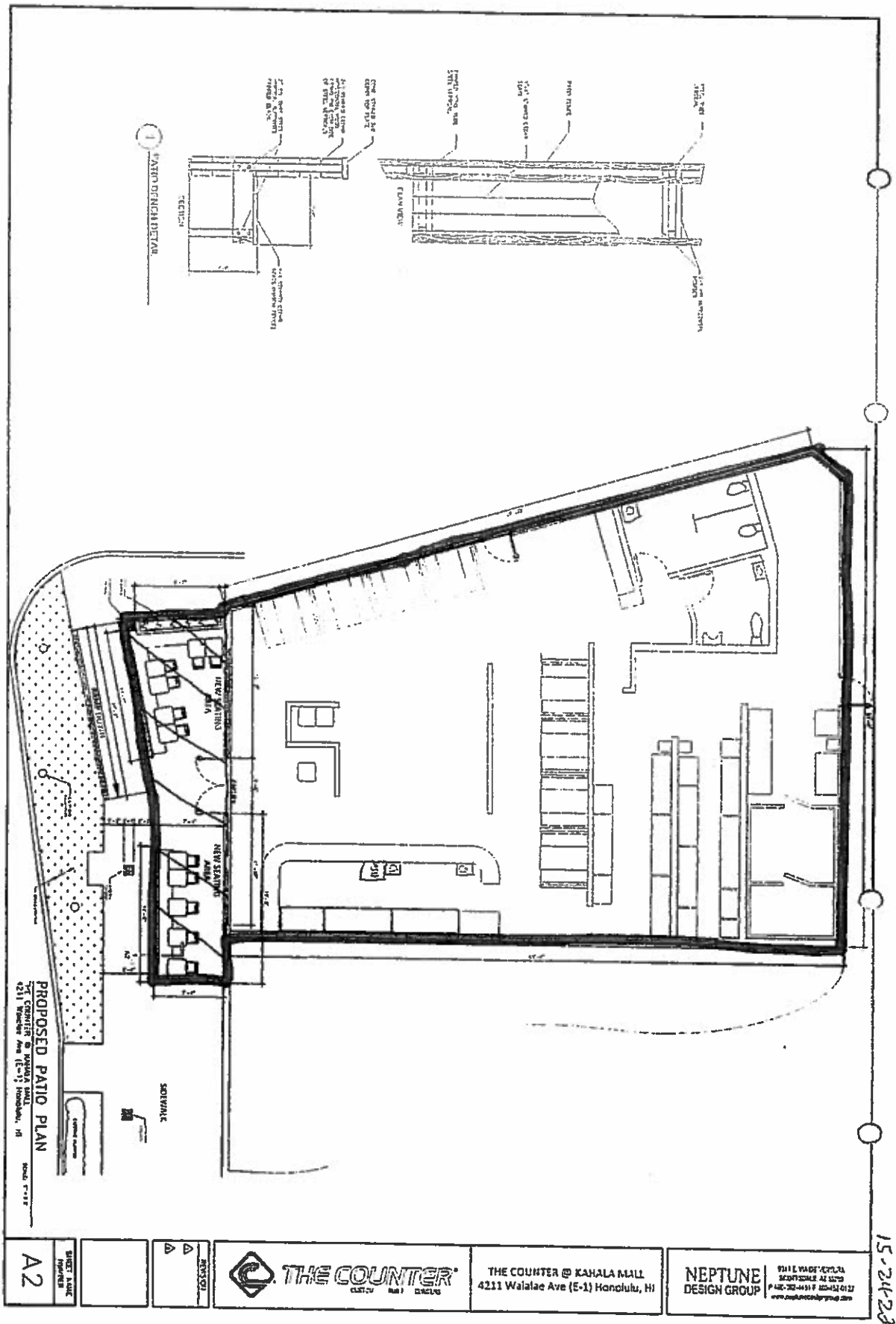


EXHIBIT C

Google Maps The Counter Custom Burgers



Map data ©2021 Google

200 ft

LICENSING INVESTIGATIVE REPORT

DATE: March 29, 2021

SUBJECT: Application No. 21-22739 from Industry Outlaw, Inc., dba MANA + PUA, Dispenser Beer & Wine (Category 1- Standard) license, at 66-526A Kamehameha Hwy. Space No. 200-1, Haleiwa

CORPORATE STRUCTURE:

Industry Outlaw, Inc.: Incorporated under the laws of the State of California on April 16, 2019, and under the Hawaii laws on December 30, 2020. The corporation is authorized to issue 100,000 shares; none outstanding. Its sole officer/director and owner is;

<u>Name</u>	<u>Title</u>	<u>Shares</u>	<u>Percent</u>
HUTCHISON, Ashleigh	P/D	100,000	100%

Refer to **Exhibits A1-A3** for biographical background information of HUTCHISON. CJIS check was negative for any felony conviction.

FINGERPRINTS:

Completed 12/21/2021; negative results of felony conviction.

FINANCIAL STATEMENT FOR INDUSTRY OUTLAW, INC. DBA MANA+ PUA AS OF JANUARY 1, 2021:

Financial Statement of the applicant dated January 1, 2021, and was submitted to the Commission on February 11, 2021, and certified by the applicant by the applicant to be substantially correct.

COST AND FINANCING:

According to the applicant, \$30,000 for minor upgrades, supplies and a new espresso machine; no financing involved.

TRADE NAME:

An Assignment of Trade Name was filed and approved by the Department of Commerce and Consumer Affairs (DCCA), on February 9, 2021. Trade Name "MANA + PUA" will be registered to the applicant from December 21, 2020 to December 20, 2025.

DESCRIPTION OF THE PREMISES:

Location: The proposed license premises will be located at the Haleiwa Plantation Shops, occupying 571 square feet of rectangular shaped space.

Details of premises:

- Approximately 239 square feet of dining area
- Approximately 255 square feet of kitchen/prep area space
- 58 square feet of storage space at the northwest corner
- Approximately 104.4 square feet of outdoor dining area fronting proposed premises.
- KKHD side hallway leads to emergency exit
- Restrooms are outside of restaurant; common area & shared among vendors.

Parking: Customer parking are located at the rear of the complex.

See **Exhibit B1 & B2**, photo & floor plan.

CHURCH, SCHOOL, OR PUBLIC PLAYGROUND WITHIN 500 FEET: None

SAME CLASS OF LICENSE WITHIN 500 FEET: None

CURRENT NUMBER OF SAME CLASS/KIND ISSUED WITHIN THE CITY AND COUNTY OF HONOLULU:

As of March 29, 2021, there are 218 Dispenser licenses issued within the City and County of Honolulu, of which 5 are of the Beer & Wine kind.

OTHER RELEVANT MATTERS THAT MAY AFFECT THE ISSUANCE OF THE LICENSE:

Kind of business: Applicant will offer a controlled menu of European, French style cuisine utilizing the local grown fruits & vegetables, along with the service of beer and applicants' brand-labeled wine "MANA".

According to the applicant, wine will be purchase from wholesaler Young's Market Company (#C0004).

Hours of Operation: 7:00 am – 3:00 pm, with liquor license; 7 am – 7 pm.
2 full-time employees and applicant to manage daily

Lease: An "Assumption of Lease & Amendment #3 to the Lease, (the "Agreement"). This Agreement to the Haleiwa Plantation Shops Retail Lease

Agreement (the Lease Agreement dated August 26, 2015, i.e, the “LEASE”), is made as of **December 8, 2020** by and between **Ashleigh Hutchison** (“Successor Tenant”), and **66-526 Kamehameha Highway, LLC** “Landlord”. Reference is made to the Lease dated **August 26, 2015** between Landlord and **Steven Ashcroft, Michael Leonard, Stephanie Leonard, and Sprout Organics, LLC** (the “Lease”), to be assigned to Industry Outlaw, Inc.

1. Assumption:

Effective February 15, 2021, the “Assumption Date,” and “Effective Date,” Successor Tenant has agreed to accept all of the right, title and interest in and to the Lease, accepts the Lease and agrees to perform all of its obligations and duties.

2. Amendment to Lease including Rent Commencement Date:

Effective February 15, 2021, the Lease will be modified only as provided by terms herein:

- Extension to Term: The **TERM** of the Lease will be extended for a period of five years beginning **February 15, 2021** through **February 14, 2026**,

ISSUES WITH PERSONAL HISTORY AFFIDAVIT:

Issue #1. According to the applicant’s personal history and affidavit (PHA), Ashleigh Hutchison is currently self-employed and President of Industry Outlaw, Inc. Prior to and within the past 10 years, Hutchison held various positions as Broker Associate, Regional Sales Manager and President which illustrates diversity of her involvement with wine manufactures and wholesalers. Hutchison now states that she is not a Broker Associate or Broker, and no longer has any involvement with manufactures or wholesalers. She added that Young’s Market is her distributor in the state of California but will be a 3rd party retailer via her proposed liquor license.

Hutchinson stated in her PHA that “**Industry Outlaw Wine Company is a diverse wholesale wine company that includes The Annex by Industry Outlaw, Industry Outlaw Wine Brokers and Mana Wines.** “Industry Outlaw’s approach to market brings together the supplier, wholesaler and retailer breaking down barriers and standards in an ever changing marketplace.”

LETTER CLARIFYING INITIAL PERSONAL HISTORY AND AFFIDAVIT INFORMATION:

HUTCHISON later stated that as partner in Mana wines, I do not have any filings with the TTB, My production partner is the owner of these items and I am the

my creation of the brand. I do not have the federal or state filings in my company name, Industry Outlaw, Inc.

Hutchinson later stated that Industry Outlaw owns and operates a retail store in California selling fine art, jewelry and culinary items called The Lanai at Mana + Pua. The wine bar and eatery in Haleiwa will offer coffee, all day food items and wines by the glass. Haleiwa store will not sell retail wine bottle sales. The restaurant in Haleiwa will feature Mana + Pua wines and purchase from distributor, Young's Market Company. My creative affiliation with Mana + Pua wines does extend to Hawaii nor does any profit in sales at the Haleiwa store front.

See **Exhibit C**

CONFLICTED STATEMENTS BY APPLICANT:

HITCHISON stated that she does not have a Federal or State filings in her company name, Industry Outlaw, Inc.

According to a business search of the California Secretary of State revealed that Industry Outlaw, Inc. is "Active" status as of March 23, 2021.

See **Exhibit D1**

According to the State of California Secretary of State Statement of information under Industry Outlaw, Inc., further specifies the type business as "Wine-Retail and Wholesale".

See **Exhibit D2**

According to the California Department of Alcoholic Beverage Control, report dated March 25, 2021, Ashleigh Hutchinson has an active liquor license in California, for the sale of Beer & Wine.

See **Exhibit D3**

Title 27 Alcohol Tobacco Products and Firearms, Chapter I, Subchapter A, Part 6 "Tied House"

§6.25 General. The act by an industry member of acquiring or holding any interest in any license (State, county or municipal) with respect to the premises of a retailer constitutes a means to induce within the meaning of the Act.

§6.26 Indirect interest. Industry member interest in retail licenses includes any interest acquired by corporate officials, partners, employees or other

representatives of the industry member. Any interest in a retail license acquired by a separate corporation in which the industry member or its officials, hold ownership or are otherwise affiliated, is an interest in a retail license.

§6.151 (a) Exclusion, in whole or in part occurs:

- (1) When a practice by an industry member, whether direct, indirect, or through an affiliate, places (or has the potential to place) retailer independence at risk by means of a tie or link between the industry member and retailer or by any other means of industry member control over the retailer; and
- (2) Such practice results in the retailer purchasing less than it would have of a competitor's product.

§6.153 Criteria for determining retailer independence.

The criteria specified in this section are indications that a particular practice, other than those in §6.152, places retailer independence at risk. A practice need not meet all of the criteria specified in this section in order to place retailer independence at risk.

- (b) The industry member obligates the retailer to participate in the promotion to obtain the industry member's product.
- (c) The retailer has a continuing obligation to purchase or otherwise promote the industry member's product.
- (d) The retailer has a commitment not to terminate its relationship with the industry member with respect to purchase of the industry member's products.
- (e) The practice involves the industry member in the day-to-day operations of the retailer. For example, the industry member controls the retailer's decisions on which brand of products to purchase, the pricing of products, or the manner in which the products will be displayed on the retailer's premises.
- (f) The practice is discriminatory in that it is not offered to all retailers in the local market on the same terms without business reasons present to justify the difference in treatment.
- (g) *Partial ownership.* Less than complete ownership of a retail business by an industry member constitutes an interest in a retail license within the meaning of the Act.

§10.51 Exclusion, in general.

(a) Exclusion, in whole or in part occurs:

- (1) When a practice by an industry member, whether direct, indirect, or through an affiliate, places (or has the potential to place) trade buyer independence at risk by means of a tie or link between the industry member and trade buyer or by any other means of industry member control over the trade buyer, and

- (2) Such practice results in the trade buyer purchasing less than it would have a competitor's product.

§10.54 Criteria for determining trade buyer independence.

The practice specified in the section are indications that a particular practice between an industry member and an officer, employee, or representative of a trade buyer, other than those in §10.52, places trade buyer independence at risk. A practice need not meet all of the criteria specified in this section in order to place trade buyer independence at risk.

- (b) The industry member obligates the trade buyer to participate in the promotion to obtain the industry member's product.
- (e) The practice involves the industry member in the day-to-day operations of the trade buyer. For example, the industry member controls the trade buyer's decisions on which brand of products to purchase, the pricing of products, or the manner in which the products will be displayed on the trade buyer's premises.

United States Code Title 27 Chapter 8, Federal Alcohol Act § 205. Unfair competition and unlawful practices It shall be unlawful for any person engaged in business as a distiller, brewer, rectifier, blender, or other producer, or as an importer or wholesaler, of distilled spirits, wine, or malt beverages, or as a bottler, or warehouseman and bottler, of distilled spirits, directly or indirectly or through an affiliate:

Exclusive outlet - To require, by agreement or otherwise, that any retailer engaged in the sale of distilled spirits, wine, or malt beverages, purchase any such products from such person to the exclusion in whole or in part of distilled spirits, wine, or malt beverages sold or offered for sale by other persons in interstate or foreign commerce, if such requirement is made in the course of interstate or foreign commerce, or if such person engages in such practice to such an extent as substantially to restrain or prevent transactions in the interstate or foreign commerce in any such products, or if the direct effect of such requirement is to prevent, deter, hinder, or restrict other persons from selling or offering for sale any such products to such retailer in interstate or foreign commerce.

BUSINESS PLAN:

See Exhibit E (7 pages)

OTHER LIQUOR LICENSE INTERESTS:

None

HISTORY OF VIOLATIONS:

None

HAWAII REVISED STATUTES SECTION 281-56(a) (9) STATEMENT:

As of March 29, 2021, there are no known potential adverse effects on the surrounding community specific to the premises. All potential adverse effects reported to staff before the Public Hearing will be forwarded to the Commission for its consideration.

ZONING CLEARANCE:


A valid zoning clearance must be received before a liquor license is issued.

NEIGHBORHOOD BOARD NOTIFICATION:

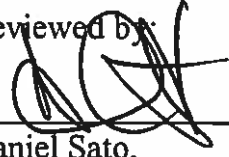
The applicant shall directly notify the chair of the neighborhood board in which the applicant's place of business is located, in writing and delivered by certified mail, return receipt requested. At a minimum, the notification shall include the date of public hearing. **The return receipt from the certified mailing shall be submitted to the Liquor Commission before a liquor license is issued.**

OPINION:

Based on the Personal History and Affidavit, subsequent retracted statements, and inconsistencies made by the applicant, it is unclear if the applicant has met statutory requirements in this application as stated in this report.



Homer Tanlapua
Licensing Investigator

Reviewed by:


Daniel Sato,
Supervising Investigator *ghatani ah*

RECEIVED
LIQUOR COMMISSION
C&C OF HONOLULU

201 JUL 11 PM 36

Rule 3-83-53.1

CITIZENSHIP* 1 DATE ARRIVED IN 1
HAWAII (if applicable) 1
*(If not a U.S. citizen, indicate type of Visa, or Resident Alien Card No., or Immigration Department No.)

[illegible]

NOTARY INITIAL: _____

List your experience in the liquor industry: 10+ years of Wholesale Wine Sales and 1.5+ years Retail Wine Sales as Owner of a Wine Bar.

RECEIVED
LIQUOR COMMISSION
C.C. OF HONOLULU

2011 JUN 11 PM 12:35

Will you devote time to manage the subject business? ☒ Yes ☐ No

If answer is "YES", will it be ☒ Full time, or ☐ Part-time?

I, Ashleigh Hutchison

of _____

(Full Street Address, City, State, Zip)

being first duly sworn, deposes, and says, that the above information is true and correct and that I ☐ have/ ☒ have not) been convicted of any felony charge.

Ashleigh Hutchison

Signature



FOR NOTARY USE ONLY

STATE OF HAWAII Maui }
City and County of Honolulu } SS.

On this 28th day of December in the year of 2020, personally appeared Ashleigh Hutchison who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to within the foregoing instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the aforementioned instrument the person, or the entity upon behalf of which the person(s) acted, executed the aforementioned instrument in free act and deed.

Ashleigh Hutchison

Signature of applicant(s) before Notary

Subscribed and sworn to before me this:

28th day of December, 2020

Signature of Notary

Print Name
Notary Public, State of Hawaii

My commission expires _____

(Place Notary Stamp or Seal here)

NOTARY CERTIFICATION

Date of Doc: undated # of Pages: 3

Notary Name: ROCEPHINE G KOYAMA 2nd Circuit

Doc. Description: Personal History and Affidavit

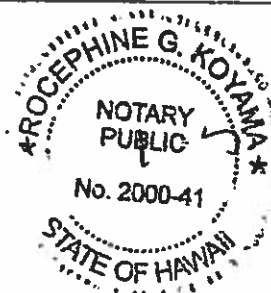
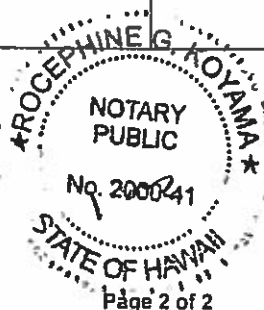
Rocephine G Koyama 12/28/2020

Notary Signature

Date

(Place Notary Stamp or Seal here)

Rocephine G Koyama, Notary Public
My commission expires: 2/6/2024



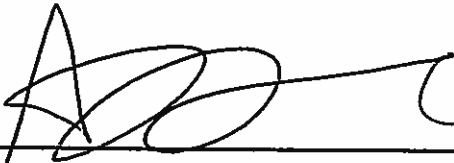
February 10, 2021

Personal Affidavit/ Work History

There are a few years according to my work history that I was a stay at home mother and wife.

July 2003 – September 2006: Pregnant and birth of first son

May 2009 – June 2010: Divorce, relocation to Maui from California and stayed/worked for my aunt in Lahaina as a newly single mother.

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a series of loops and a long horizontal stroke.

Ashleigh Hutchison

RECEIVED
LIQUOR COMMISSION
CFC OF HONOLULU
2021 FEB 11 A 9:26

Ashleigh E. Hutchison

983 Customs Road
Pebble Beach, CA 93953

707.225.2883
Ashleigh.hutchison@gmail.com

INDUSTRY OUTLAW, Inc. Carmel, CA Founded April 2017

President

Founded in April 2017, Industry Outlaw Wine Company is a diverse wholesale wine company that includes The Annex by Industry Outlaw, Industry Outlaw Wine Brokers and Mana Wines. Industry Outlaw's approach to market brings together the supplier, wholesaler and retailer breaking down barriers and standards in an everchanging marketplace. We pride ourselves on adaptability, honesty and showing up.

Na Wahine O Kalani – 501c(3) non profit organization Maui, HI Founded July 2018

Founding President

Athletic scholarship fund available to the wahine athletes of Hawaii between developmental ages 12 – 18 years old. More information available online Nawahineokalani.org

MINER FAMILY WINERY Oakville, CA January 2014 – August 2017

Western Regional Sales Manager

Regional Sales Manager for dynamic family owned and operated winery. Large, upscale winery boasting award winning Cabernet, Burgundy & Rhone programs highlighting vineyard designate fruit from top sources around CA & Napa Valley. Territory included Colorado – Alaska to Hawaii and all of California. Effectively hit sales goals and bonuses quarterly & annually.

VINIFERA Wine Marketing Napa Valley, CA January 2012 – December 2014

Broker Associate

Independent contractor covering Napa Valley territory. Domestic book coupled with three import books: Oliver McCrum, RARE Wine Company, The Source Imports. 2012 sales grew 25% in first year from 625k to 850k. 2013 Sales exceeded \$1million.

JMD Beverages Maui, HI June 2010 – December 2011

Sales Associate/Key Account Manager, West Maui

Key account manager for West Maui's premiere wine sales locations managing both off-premise large volume accounts and world class on-premise wine destinations. Promotion and execution of wine events, including wine dinners, wine clubs and wine tastings. Managed the largest market share in the state with consistent top sales in the company.

The Garden's Kitchen Catering & Cooking Studio San Luis Obispo, CA September 2006 - May 2009

Chef/Owner

The Garden's Kitchen off-site catering business opened in 2006 and quickly expanded into a Cooking Studio in July of 2008. As chef/owner the business successfully created a hands-on cooking environment for people of all culinary skill executing all scheduling, private events, cooking classes and off-site catering. I oversaw and developed all web management, marketing, advertising, networking and liaising among the wine industry, organic farms and clientele. The business sold in May 2009.

California Polytechnic State University San Luis Obispo, CA October 2006 – October 2007

Administrative Coordinator, University Advancement & Advancement Programs

Administrative support to Director and Special Events Coordinator for University Advancement, which directly supports the special events and donor relations of the Vice President for University Advancement and the University's President's Office. Executed confidential and high profile special events and fundraisers for the University working at an extreme level of adaptability and speed to ensure success.

California College of the Arts, Wattis Institute for Contemporary Arts San Francisco, CA April 2002 - June 2003

Administrative Coordinator/Executive Assistant

Administrative Coordinator reporting directly to the Executive and Deputy Directors of the Wattis Institute. Managed daily operations including: Monthly and annual budget reports, accounts receivable and payable, internships, payroll. Event planner for major receptions, symposiums, lectures and fundraisers including venues such as SFMOMA and Yerba Buena Center for the Arts. Success in securing in-kind donations and corporate underwriting to facilitate events while adhering to budget demands, media placements, and sponsorships. Managed two off-site properties for visiting artists and residence program. Devised email database for International Outreach program.

Education Bachelor of Arts, Art History Deans List, December 2001
San Francisco State University San Francisco, CA

Affiliations Fundraising Chair, Operation Surf – Wounded Veterans Surf Therapy
Assistant Coach, JV Soccer, Stevenson School, Pebble Beach
Past Board Member, Sponsorship Director, PG Pony Baseball
Event Coordinator, Wailea Wine & Food Festival 2012
Past Board Member, St. Helena Renaissance Action Committee, Fundraising Chair
Curator, Maui Underground, Social Media & Event Planning
Past Member, Hawaii Marketing & Sales Association
Past Board Member, Cal Poly San Luis Obispo Mustang Athletic Fund
Past Member, Women's Network Association, San Luis Obispo, CA
Past Member, BBB, San Luis Obispo, CA

RECEIVED
LIQUOR COMMISSION
C&C OF HONOLULU
2021 JAN 11 10 12:36

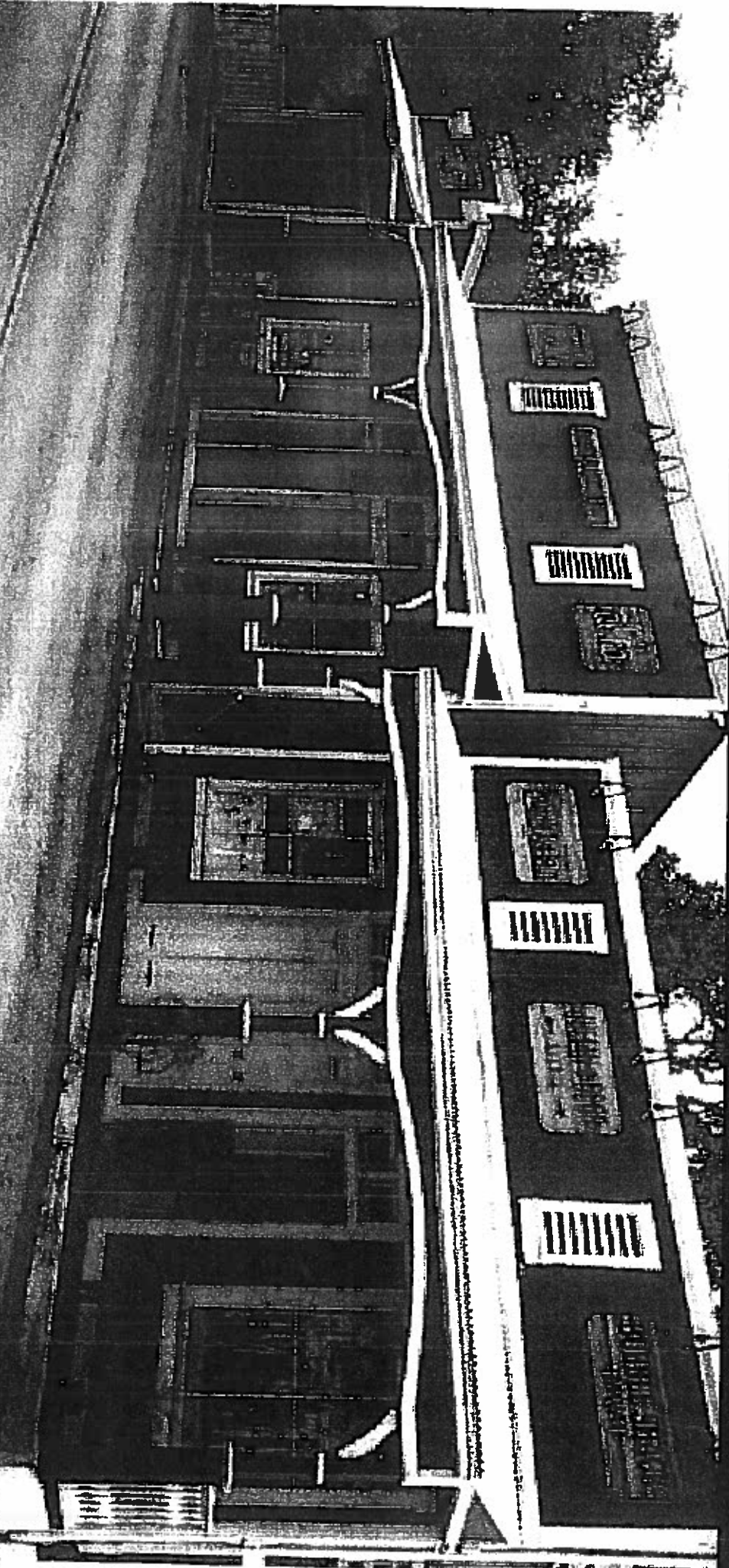
TURN-KEY RESTURANT SPACE AVAILABLE

RECEIVED
LIQUOR COMMISSION
C&C OFFICIALS

HALEIWA PLANTATION SHOPS

66-520 / 66-526 KAMEHAMEHA HWY

HALEIWA, HI 96712



BEALL CORP
RETAIL REAL ESTATE

February 27, 2021

Hawaii Liquor Commission

Re: Personal Affidavit to Professional Work History for Ashleigh Hutchison

RECEIVED
LIQUOR COMMISSION
C&C OF HONOLULU

2021 MAR -3 AM 8:43

To Whom It May Concern:

I am writing to explain my personal work history according to the professional resume I have submitted on behalf of a new beer and wine dispenser license at 66-526 Kamehameha Highway.

I would like to attest that my resume shows a history of being in wholesale wine sales, however since May 2019, I am no longer employed by any wineries or brokers, nor does my corporation participate in any wholesale wine sales, consultation for wine brands or represent any other wineries in the state of Hawaii.

Industry Outlaw owns and operates a retail store in California selling fine art, jewelry and culinary items called The Lanai at Mana + Pua. The wine bar and eatery in Haleiwa will offer coffee, all day food items and wines by the glass. Haleiwa store will not sell retail wine bottle sales. The restaurant in Haleiwa will feature Mana + Pua wines and purchase them from distributor, Youngs Market Company. My creative affiliation with Mana + Pua wines does not extend to Hawaii nor does any profit in sales at the Haleiwa store front. The owner/producer of Mana + Pua wines (Fior Di Sole) sells, warehouses, owns and licenses all wines from their facility in American Canyon, CA. Industry Outlaw has absolutely no financial partnerships or ties with Fior Di Sole or the wholesale of Mana + Pua wines thus releasing myself from any conflict of interest in on premise sales in Hawaii.



Ashleigh Hutchison
President, Industry Outlaw, Inc.

EXHIBIT C

Dr. Shirley N. Weber
California Secretary of State

Business Search - Entity Detail

The California Business Search is updated daily and reflects work processed through Tuesday, March 23, 2021. Please refer to document [Processing Times](#) for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity. Not all images are available online.

C4267004 INDUSTRY OUTLAW, INC.

Registration Date:	04/16/2019
Jurisdiction:	CALIFORNIA
Entity Type:	DOMESTIC STOCK
Status:	ACTIVE
Agent for Service of Process:	STEPHEN M STERN 122 CASTAIC AVENUE PISMO BEACH CA 93449
Entity Address:	237 THE CROSSROADS BLVD CARMEL CA 93923
Entity Mailing Address:	237 THE CROSSROADS BLVD CARMEL CA 93923

 [Certificate of Status](#)

A Statement of Information is due EVERY year beginning five months before and through the end of April.

Document Type	File Date	PDF
SI-COMPLETE	06/14/2019	
REGISTRATION	04/16/2019	

* Indicates the information is not contained in the California Secretary of State's database.

- If the status of the corporation is "Surrender," the agent for service of process is automatically revoked. Please refer to California Corporations Code [section 2114](#) for information relating to service upon corporations that have surrendered.
- For information on checking or reserving a name, refer to [Name Availability](#).
- If the image is not available online, for information on ordering a copy refer to [Information Requests](#).
- For information on ordering certificates, status reports, certified copies of documents and copies of documents not currently available in the Business Search or to request a more extensive search for records, refer to [Information Requests](#).
- For help with searching an entity name, refer to [Search Tips](#).
- For descriptions of the various fields and status types, refer to [Frequently Asked Questions](#).

[Modify Search](#)

[New Search](#)

[Back to Search Results](#)



State of California
Secretary of State

S

Statement of Information

(Domestic Stock and Agricultural Cooperative Corporations)

FEES (Filing and Disclosure): \$25.00.

If this is an amendment, see instructions.

IMPORTANT - READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

G729504

FILED

In the office of the Secretary of State
of the State of California

JUN-14 2019

1. CORPORATE NAME

INDUSTRY OUTLAW, INC.

2. CALIFORNIA CORPORATE NUMBER

C4267004

This Space for Filing Use Only

No Change Statement (Not applicable if agent address of record is a P.O. Box address. See instructions.)

3. If there have been any changes to the information contained in the last Statement of Information filed with the California Secretary of State, or no statement of information has been previously filed, this form must be completed in its entirety.

☐ If there has been no change in any of the information contained in the last Statement of Information filed with the California Secretary of State, check the box and proceed to Item 17.

Complete Addresses for the Following (Do not abbreviate the name of the city. Items 4 and 5 cannot be P.O. Boxes.)

	CITY	STATE	ZIP CODE
4. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE			
237 THE CROSSROADS BLVD, CARMEL, CA 93923			
5. STREET ADDRESS OF PRINCIPAL BUSINESS OFFICE IN CALIFORNIA, IF ANY			
237 THE CROSSROADS BLVD, CARMEL, CA 93923			
6. MAILING ADDRESS OF CORPORATION, IF DIFFERENT THAN ITEM 4			

Names and Complete Addresses of the Following Officers (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

	ADDRESS	CITY	STATE	ZIP CODE
7. CHIEF EXECUTIVE OFFICER/ ASHLEIGH E HUTCHISON	237 THE CROSSROADS BLVD, CARMEL, CA 93923			
8. SECRETARY ASHLEIGH E HUTCHISON	237 THE CROSSROADS BLVD, CARMEL, CA 93923			
9. CHIEF FINANCIAL OFFICER/ ASHLEIGH E HUTCHISON	237 THE CROSSROADS BLVD, CARMEL, CA 93923			

Names and Complete Addresses of All Directors, Including Directors Who are Also Officers (The corporation must have at least one director. Attach additional pages, if necessary.)

	ADDRESS	CITY	STATE	ZIP CODE
10. NAME ASHLEIGH E HUTCHISON	237 THE CROSSROADS BLVD, CARMEL, CA 93923			
11. NAME				
12. NAME				

13. NUMBER OF VACANCIES ON THE BOARD OF DIRECTORS, IF ANY: 0

Agent for Service of Process If the agent is an individual, the agent must reside in California and Item 15 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 15 must be left blank.

14. NAME OF AGENT FOR SERVICE OF PROCESS
STEPHEN M STERN

	CITY	STATE	ZIP CODE
15. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL 122 CASTAIC AVENUE, PISMO BEACH, CA 93449			

Type of Business

16. DESCRIBE THE TYPE OF BUSINESS OF THE CORPORATION
WINE- RETAIL AND WHOLESALE

17. BY SUBMITTING THIS STATEMENT OF INFORMATION TO THE CALIFORNIA SECRETARY OF STATE, THE CORPORATION CERTIFIES THE INFORMATION CONTAINED HEREIN, INCLUDING ANY ATTACHMENTS, IS TRUE AND CORRECT.

06/14/2019

STEPHEN M STERN

ATTORNEY

DATE

TYPE/PRINT NAME OF PERSON COMPLETING FORM

TITLE

SIGNATURE

CA



CALIFORNIA DEPARTMENT OF

Alcoholic Beverage Control**Report Date:** Thursday, March 25, 2021**LICENSE INFORMATION****License Number:** 601432 **Primary Owner:** HUTCHISON, ASHLEIGH ELIZABETH **Office of Application:** 26 - SALINAS**BUSINESS NAME**

INDUSTRY OUTLAW

BUSINESS ADDRESS

237 THE CROSSROADS BLVD , CARMEL, CA, 93923

County: MONTEREY **Census Tract:** 0116.04**LICENSEE INFORMATION****Licensee:** HUTCHISON, ASHLEIGH ELIZABETH**LICENSE TYPES****42 - ON-SALE BEER AND WINE - PUBLIC PREMISES****License Type Status:** ACTIVE **Status Date:** 07-MAY-2019 **Term:** 12 Month(s) **Original Issue Date:** 06-MAY-2019**Expiration Date:** 30-APR-2021 **Master:** Y **Duplicate:** 0 **Fee Code:** P0 **Transfers:****OPERATING RESTRICTIONS:**

No Operating Restrictions found

DISCIPLINARY ACTION:

No Active Disciplinary Action found

EXHIBIT D3

DISCIPLINARY HISTORY:


No Disciplinary History found.

HOLDS:

No Active Holds found

ESCROWS:

No Escrow found



MANA + PUA

W I N E S B Y T H E
 G L A S S
B O T T L E S A L E S
 W I N E C L U B
M E M B E R S H I P S
I N T E R N A T I O N A L
 S H I P P I N G
F R E S H C U I S I N E
 T A K E O U T +
 C A T E R I N G
 A V A I L A B L E


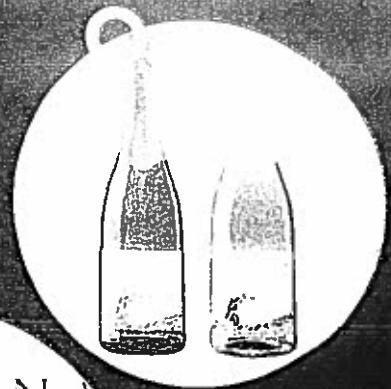
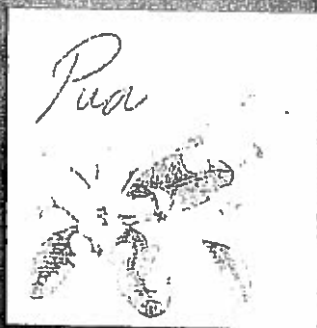


EXHIBIT E

100%
ALOHA





TASTE THE
RAINBOW
DAILY
11 - 7 PM

WINERY TASTING ROOM
FOR MANA + PUA WINES

MANA SPARKLING ROSE
MANA SPARKLING BRUT
MANA ROSE
MANA SAUVGNON BLANC
MANA CHARDONNAY
MANA PINOT NOIR
MANA CABERNET SAUVIGNON

PUA WHITE WINE BLEND
PUA RED BLEND



INSPIRED BY
LOCAL FARMERS

CHEESE +
CHARCUTERIE

PROSCIUTTO
LOLLIPOPS

SEASONAL
BRUSCHETTA

OLIVE ANTIPASTI

PANINI BITES

GREEK MEZE

SEASONAL BITES



ESPRESSO

SINGLE
DOUBLE
TRIPLE
QUAD

CHOOSE YOUR MILK
2%, ALMOND, OAT, MAC NUT

ICED OR HOT

FOR HERE
TO GO

ZERO WASTE
NO PLASTIC. NO PAPER
MASON JARS FOR TAKE OUT
COFFEE MUGS FOR HERE

BOARD ROOM



BREAKFAST

FRESH CROISSANTS
BANANA CRUNCH MUFFINS
PEANUT BUTTER + JELLY
SMOKED LOX + CAVIAR
HOMEMADE JAMS + TOAST
ORGANIC CUPCAKES
FRESH GREENS + LOCAL EGGS
PATISERIE BAGUETTES

COFFEE

DRIP
SM, M, LG

OPEN DAILY
7AM



FRENCH PRESS FOR TWO

APPROVED FOOD & BEVERAGE ITEMS TO BE SOLD BY SUCCESSOR TENANT

For coffee concept
Fresh baked homemade pasties
European baguette sandwiches
Cupcakes
Think very European style

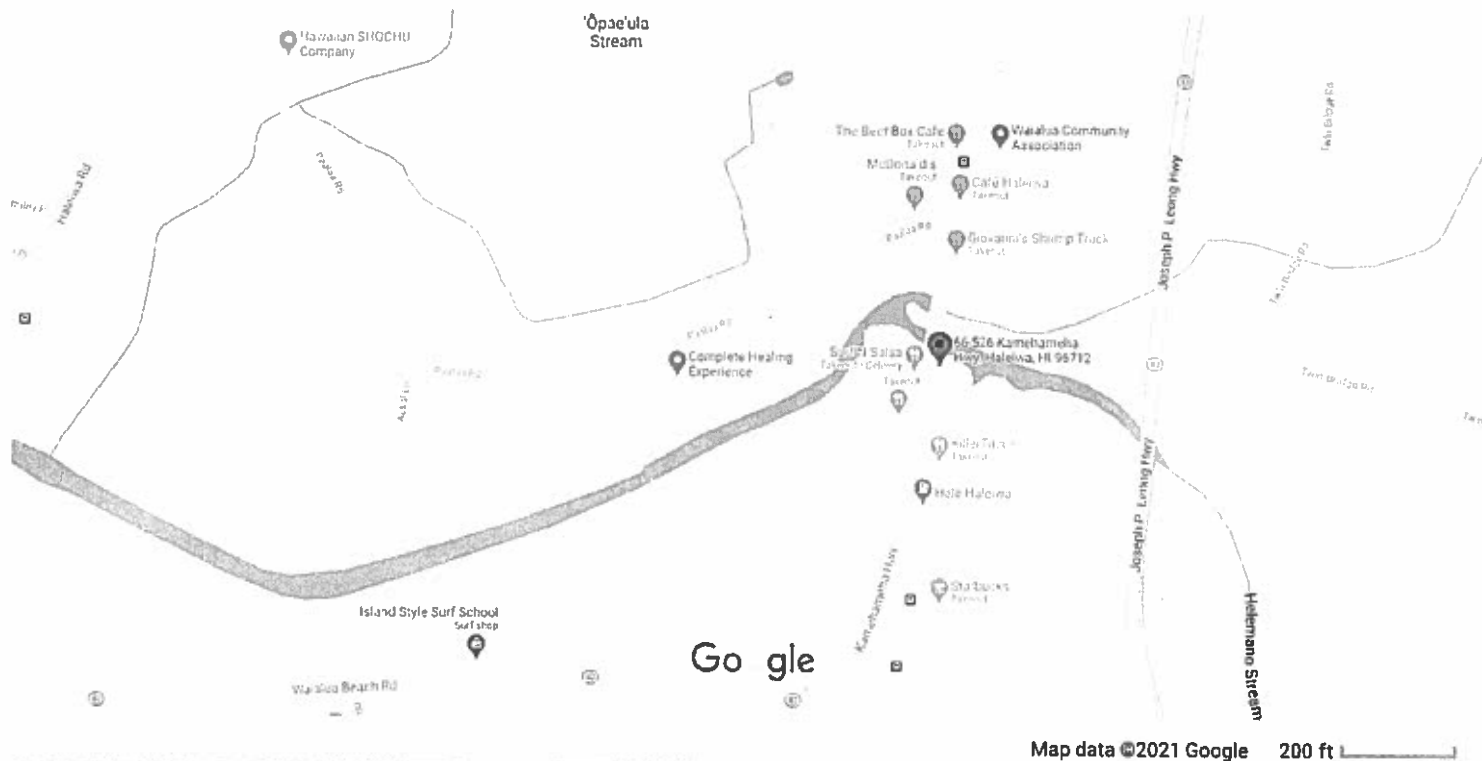
For wine bar
It will mimic what we do at the current wine bar
Prosciutto lollipops
Charcuterie and cheese
Daily seasonal Bruschetta

I have no want to offer poke, smoothies or other items that are already readily available around town
I use seasonal items at the current wine bar
I do plan to offer take-out food items

LIST OF FFE (As Defined in Section #3 of the Agreement) for Successor Tenant Use

EQUIPMENT & IMPROVEMENTS	COST
AC unit	\$3,200.00
3 Door Reach-In Refrigerator	\$4,450.00
Display Deli Case	\$5,000.00
3 Door Refrigerated Sandwich Unit	\$3,230.00
Countertop Oven	\$940.00
Ice Cuber with Bin	\$2,032.00
2 Door Worktop Refrigerator	\$2,300.00
Panini Presses	\$1,700.00
3 Compartment sink w/table	\$909.00
Mop Sink	\$399.00
Hand Sink	\$199.00
Sink Faucet	\$150.00
Waring Food Processor	\$450.00
Vitamix Blender	\$400.00
Ipad Air 16 GB, Stand, Cash Drawer, Receipt printer & p	\$1,060.00
Water Cooler	\$150.00
Garbage Cans	\$250.00
Shelving	\$500.00
Food Scale	\$100.00
Hot Water Heater	\$800.00
Exhaust	\$2,500.00
Lighting	\$1,000.00
Security Cameras	\$500.00
Countertops	\$2,000.00
Tables & Chairs	\$1,000.00
Miscellaneous (cutting boards/knives/prep tools/bowls)	\$1,000.00
Utensils/Acrylics	\$700.00
Premium	\$1,100.00
Ecolab	\$500
TOTAL	\$38,519.00

Google Maps 66-526 Kamehameha Hwy



66-526 Kamehameha Hwy

Haleiwa, HI 96712

Building



Directions



Save



Nearby



Send to your
phone



Share

Photos

LICENSING INVESTIGATIVE REPORT

DATE: March 23, 2021

SUBJECT: Stand-Alone Temporary Application No. 21-22925 from Volcano Skewer House LLC dba Volcano Skewer House, Restaurant General (Category 2-Music/Dancing), at 808 Sheridan Street, #109, Honolulu, (former location of UB LLC dba UB LLC (T0199-))

NOTIFICATION:

An application for a Stand Alone Temporary liquor license was received by the Commission on March 12, 2021, via authorized agent Ross Shinsato, request Commission approval of its temporary license.

COMPANY STRUCTURE:

Volcano Skewer House LLC: Organized under the laws of the State of Hawaii and registered on September 27, 2019, as a member-managed limited liability company. Its members are:

	<u>Title</u>	<u>Interest</u>
ZHANG, Shuo	Member	50%
LIU, Zhenbo	Member	50%
Total:		100%

See Exhibits A1 & A2, for biographical background information of ZHANG & LIU. CJIS check shows negative results of any criminal convictions.

FINGERPRINTS: Pending

FINANCIAL STATEMENT OF VOLCANO SKEWER HOUSE LLC DBA VOLCANO SKEWER HOUSE AS OF JANUARY 15, 2021:

Financial Statement of the applicant, dated January 15, 2021 was submitted to the Commission on March 1, 2021, and certified by the applicant to substantially correct.

NEW APPLICATION FILED

The applicant filed for a new license application, No. 21-22875 on March 1, 2021.

WAIVER OBTAINED TO FILE TEMPORARY LICENSE APPLICATION
PAST THE 5 DAY DEADLINE:

On March 11, 2021, the Commission waived the requirements that an application for a temporary license be filed within 5 days of the surrender of the previous license, or the closing of the business.

LIQUOR PURCHASE:

The applicant is aware of Sec. 281-32, HRS, which requires that all liquor purchases made under a temporary license must be paid for in cash, check, or certified check at the time of delivery of liquor and that all liquor must be purchased from a licensed wholesaler.

CONSENT OF LANDLORD:


On February 6, 2021, D & L Company LLC via Olivia L. HO, Member, approved applicant the sale and service of liquor within the proposed licensee during authorized hours.

EFFECTIVE DATE OF TEMPORARY LICENSE:

Unless otherwise approved by the Commission, the temporary license will be effective no later than seven (7) calendar days after its approval by the Commission.


OPINION:

Statutory requirements has been met.



Homer Tamapua
Licensing Investigator

Reviewed by:



Daniel Sato
Supervising Investigator *2/23/21 ah*

List your experience in the liquor industry: _____

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LIQUOR COMMISSION
S.C. OF HONOLULU

Will you devote time to manage the subject business? ____ Yes ____ No

If answer is "YES", will it be ____ Full time, or ____ Part-time?

I, Shuo Zhang

, of _____

(Full Street Address, City, State, Zip)

being first duly sworn, deposes, and says, that the above information is true and correct and that I (____ have/____ have not) been convicted of any felony charge.

Shuo Zhang
Signature



FOR NOTARY USE ONLY

STATE OF HAWAII
City and County of Honolulu

} SS.

On this 11th day of Jan, in the year of 2021, personally appeared Shuo Zhang who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to within the foregoing instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the aforementioned instrument the person, or the entity upon behalf of which the person(s) acted, executed the aforementioned instrument in free act and deed.

Shuo Zhang

Signature of applicant(s) before Notary

Subscribed and sworn to before me this:

11th day of January, 2021

[Signature]

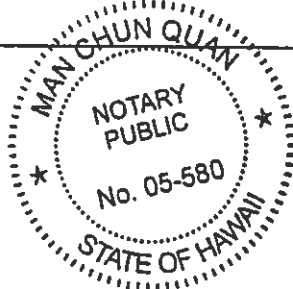
Signature of Notary

Print Name: Man Chun Quan

Notary Public, State of Hawaii

My commission expires 09/11/2021

(Place Notary Stamp or Seal here)



NOTARY CERTIFICATION

Date of Doc: not dated # of Pages: 2

Notary Name: Man Chun Quan, First Circuit

Doc. Description: personal History and Affidavit

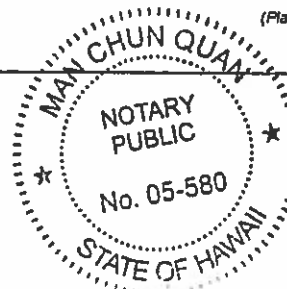
[Signature]

Notary Signature

JAN 11 2021

Date

(Place Notary Stamp or Seal here)



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9 DEC OF HONOLULU

29 Dec -1 A 9:13

Rule 3-83-53.1

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LIQUOR COMMISSION
CITY OF HONOLULU
JUN 11 - 1 1961

If answer is "YES", will it be ✓ Full time, or Part-time?

(Full Street Address, City, State, Zip)

being first duly sworn, deposes, and says, that the above information is true and correct and that I (☐ have/ ☒ have not) been convicted of any felony charge.

Signature



FOR NOTARY USE ONLY

STATE OF HAWAII
City and County of Honolulu

} SS.

On this 16th day of Feb, in the year of 2021, personally appeared Zhenbo Liu who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to within the foregoing instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the aforementioned instrument the person, or the entity upon behalf of which the person(s) acted, executed the aforementioned instrument in free act and deed.

Signature of applicant(s) before Notary

Subscribed and sworn to before me this:

Handwritten signature

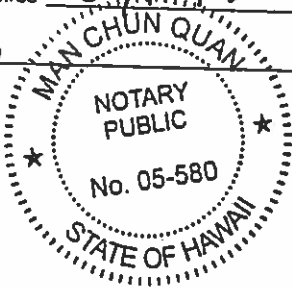
Signature of Notary

Print Name: Man Chan Kuan
Notary Public, State of Hawaii

Notary Public, State of Hawaii

My commission expires 09/11/2021

(Place Notary Stamp or Seal here)



NOTARY CERTIFICATION

Date of Doc: not dated

of Pages

Notary Name: Mgn Chun Ruan

2.

Circuit

Doc. Description: Personal History and Affidavit

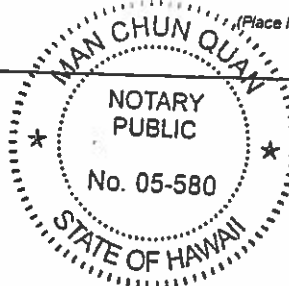
[Signature]
Notary Signature

Notary Signature

FEB 16 2021

Date _____

*, (Place Notary Stamp or Seal here)



LICENSING INVESTIGATIVE REPORT

DATE: March 24, 2021

SUBJECT: Miscellaneous Request No. 21-22919 from Aloha Pronto Waikiki, LLC dba Aloha Beer Downtown, Restaurant General (Category-2 Music/Dancing) license, requesting permanent extension of its current licensed premises, at 220 South King Street, Honolulu
(CENTRAL PACIFIC PLAZA BUILDING) (R1431)

EXISTING LICENSED PREMISES:

Location: The licensed premises is located 40 feet Mauka-KKHD corner of S. King Street and Alakea Street junction; 220 S. King Street.

Details of Premises: The licensed premises occupies approximately 343 square feet of service outlet within the Central Pacific Bank lobby with licensed access to **2,604 square feet of lobby & seated area.**

See **Exhibit A**, current floor plan.

PERMANENT EXTENSION:

According to the request received by Commission on March 11, 2021, the applicant stated, "Increasing Space for Special Function & Large Events".

The proposed space is irregular shaped and will inhabit both indoor and outdoor area with concrete tables and benches; **3,013 outdoor and 3,976 indoor.**

See **Exhibit B**, proposed floor plan.

REASON FOR REQUEST:

According to the application, "to accommodate large functions and special holiday events".

LANDLORD AUTHORIZATION:

On May 9, 2021, Central Pacific Bank via its Sr. Vice President, David R. Jones approved applicant's request for permanent increase of its licensee.

REDEFINED LICENSED PREMISES:

As a result of my primary inspection on March 24, 2021, the submitted floor plans coincide with the proposed extended area.

NOISE EVALUATION:

Refer to **Exhibit C** for details.

NEIGHBORHOOD BOARD NOTIFICATION:


Neighborhood Board Chair **Kevin Lye** was notified of applicant's request for Permanent Increase on February 26, 2021. See **Exhibit D**.

ZONING CLEARANCE:

An approved zoning clearance dated 02/25/2021 and received by Commission on 03/11/2021; **BMX 4 Central Business Mixed Use**

OPINION:

Statutory requirement has been met.


Homer Tamapua
Licensing Investigator

Reviewed By:


Daniel Sato
Supervising Investigator

 3/24/2021 ah

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C&C OF HONOLULU

2021 JUN 11 11:36

1B

1C

SERVICE AREA

127 SF

206 SF

BOH

A101

1

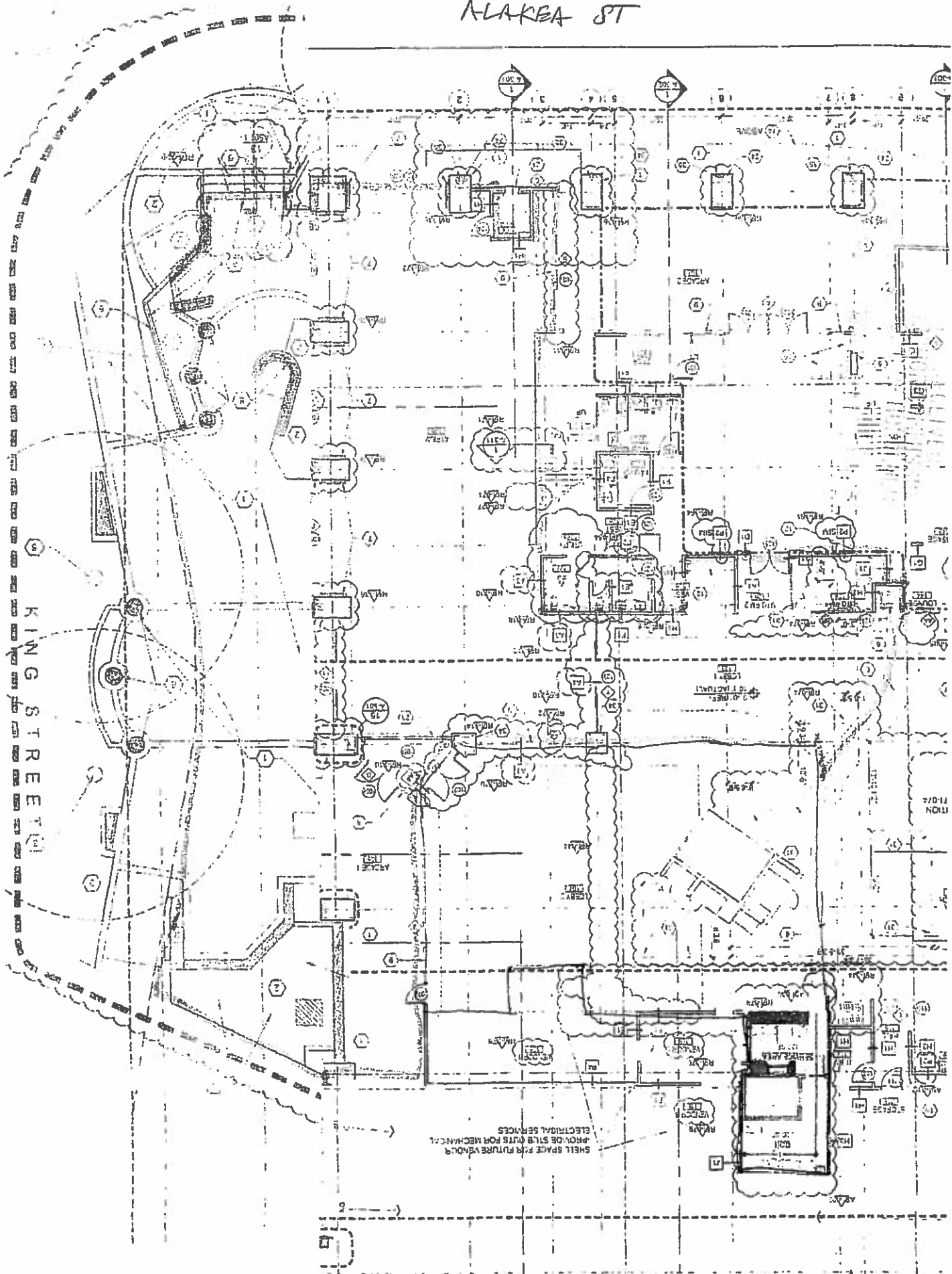
CURRENT APPROVED

1/8" = 1'

EXHIBIT A

COMPANY PLAN

ALAKEA ST



220 S KING ST. GROUND

EXHIBIT B

- ☐ CURRENT
- ☒ ADDITION

NOISE IMPACT EVALUATION

PREMISES: ALPHA PROUTO WALKER LLC dba Alpha Beer Downtown LIC. NO. R1431
ADDRESS: 220 South King Street (Central Pacific Bank Plaza Building) Honolulu
DATE: 03/24/2021 W/IN 500 FT. W/IN 100 FT.

TOTAL NO. OF OWNERS/LESSEES OF RECORD _____

TOTAL NO. OF CONDOMINIUMS _____

TOTAL NO. OF COOPERATIVE APT. OWNERS _____

ZONING DESCRIPTION BM 2.4 Central Business Mixed Use
(Residential, Commercial, etc.)

STRUCTURAL DESCRIPTION OF LICENSED PREMISES:

WALLS: HOL. TILE ☒ MASONRY ☒ WOOD ☒ GLASS ☒

GYPSUM _____ OTHER _____

APPROXIMATE PERCENTAGE OF WINDOW SPACE 80%

DOUBLE DOORS (inner & outer): YES ☒ NO _____

UNENCLOSED SECTION(S) OF PREMISES (lanai, courtyard, etc.):

AIR-CONDITIONED: YES ☒ NO _____

POTENTIAL OF PREMISES TO ADEQUATELY CONTAIN NOISE:

POOR ☒ FAIR ☒ GOOD _____

REMARKS:

NOISE + SOUND OF MUSIC WILL BE "POOR"
OUTDOORS + FAIR INDOORS.

ANADIA HANER
INVESTIGATOR III

{NOTE: EVALUATION IS NOT BASED ON TECHNICAL QUALIFICATIONS OF THE INVESTIGATOR, AND NO CLAIM TO THE CONTRARY IS MADE OR IMPLIED.}

TO: HONOLULU LIQUOR COMMISSION
FROM: ALOHA PRONTO WAIKIKI, LLC DBA ALOHA BEER DOWNTOWN
SUBJECT: REQUEST FOR APPROVAL OF PERMANENT INCREASE OF LICENSED PREMISES

NO LEASE FOR ADDITIONAL SPACE: There is no lease for the additional space to be licensed under the existing Restaurant License R1431. The landlord has given consent to ALOHA PRONTO WAIKIKI, LLC to license the area. LIQ-LIC-128 LANDLORD AUTHORIZATION FOR INCREASE OR REDUCTION OF LICENSED PREMISES is submitted in lieu of a lease.

USE OF AREA: The additional area will be used for special functions and events. There are no plans to use the Atrium and outdoor area for regular day to day operations.


DESIGNATED DANCE FLOOR: We request that the entire area be approved as a designated dance floor. Different areas of the premises may be used as a dance floor for events.

NEIGHBORHOOD BOARD NOTIFICATION: The increase in area is greater than 50% of the current area. The Neighborhood Board Chair received notice of the Request for Permanent Increase on 2/26/21.

R Shinsato 3/9/21

Ross Shinsato
Authorized Agent
808-798-4475

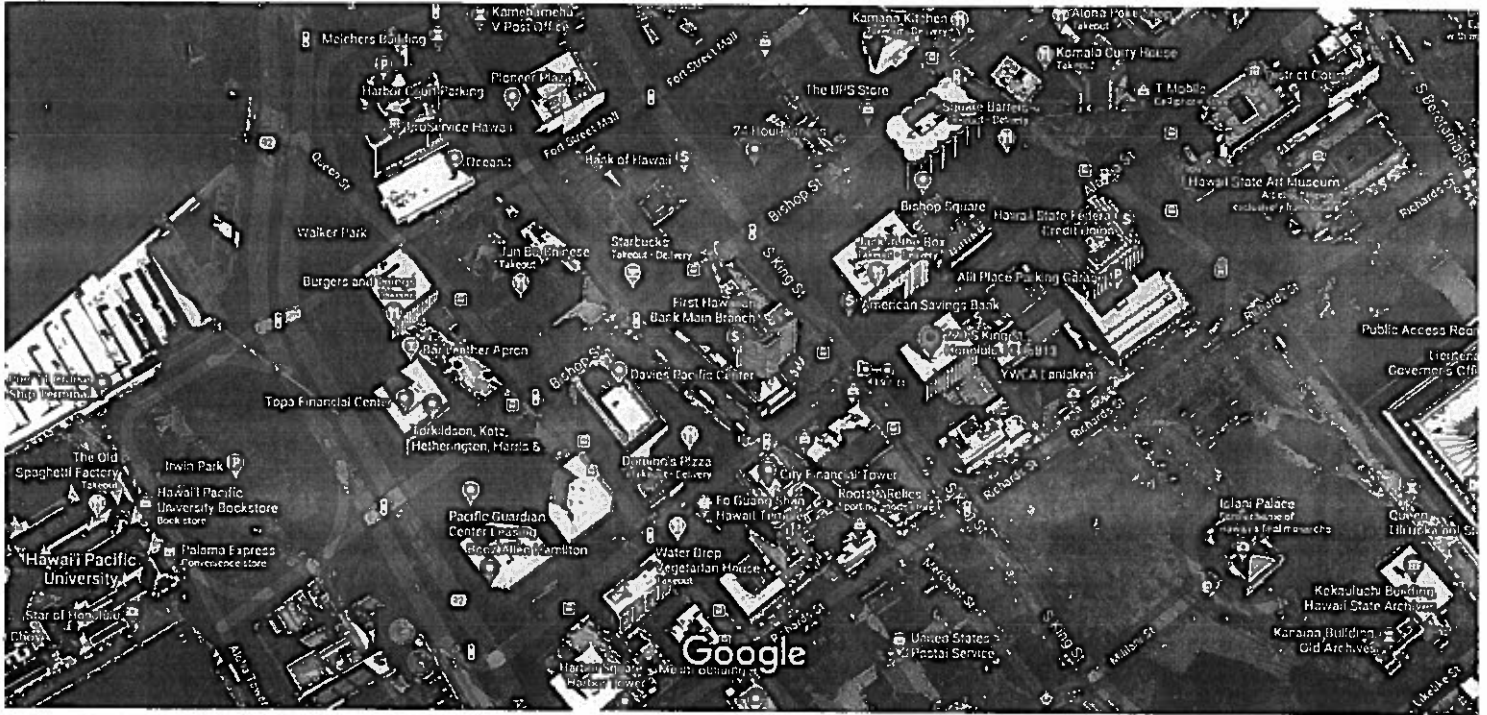
ALOHA PRONTO WAIKIKI, LLC
DBA ALOHA BEER DOWNTOWN
220 SOUTH KING STREET
HONOLULU HAWAII 96813

DER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, on the front if space permits.	A. Signature <input checked="" type="checkbox"/> <i>Valencia</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
Article Addressed to: EVIN LYE DOWNTOWN-CHINATOWN BD NO 13 25 DILLINGHAM BLVD 160 HONOLULU HI 96817	B. Received by (Printed Name) Valencia C. Date of Delivery 3/9/21
	D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
 9590 9402 5854 0038 6319 75 Data Number (Transfer from service label) 2970 0000 0421 9904	3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery

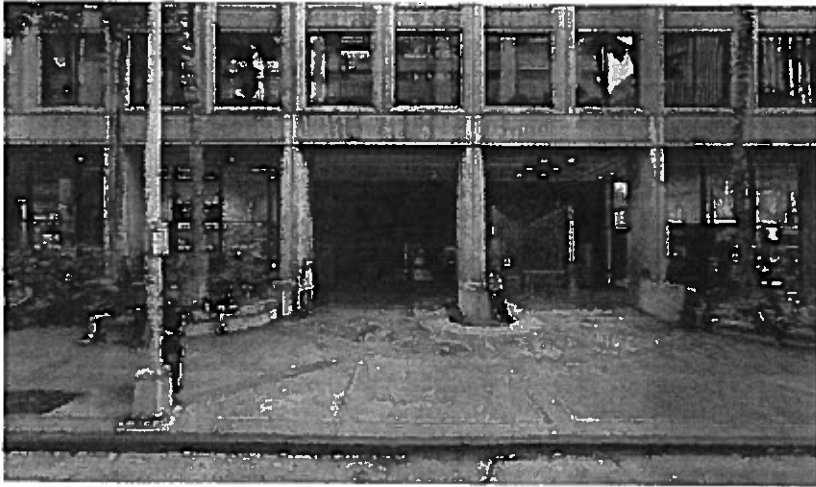
Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

EXHIBIT D

Google Maps 220 S King St



Imagery ©2021 CyberCity 3D, Inc. / 3D Travel Inc., Maxar Technologies, U.S. Geological Survey, USGS, Map data ©2021 200 ft



220 S King St

Building



Directions



Save



Nearby



Send to your
phone



Share



220 S King St, Honolulu, HI 96813

Photos

21-22964



1661 Paula Dr. Honolulu, HI 96816

To: Honolulu Liquor Commission

From: Jason Takemura, President, Bamboo Catering Inc.

Date: March 25, 2021

Re: Request for Waiver of Personal History and Affidavit

Please place on
Agenda 4/8/21 ah

To Whom It May Concern:

I would like to request a waiver of the requirement to submit a notarized Personal History and Affidavit for future Special General License Applications. The Honolulu Liquor Commission approved my previous request for a waiver on April 30, 2019. That approval will expire on April 30, 2021. A copy of that approval letter has been attached to this Request for Waiver letter.

Sincerely,

A handwritten signature in black ink, appearing to be "JL" followed by a long horizontal stroke.

Jason Takemura, President, Bamboo Catering Inc.

jason@bamboocatering.net

(808)387-0421

**LIQUOR COMMISSION
CITY AND COUNTY OF HONOLULU**

711 KAPIOLANI BOULEVARD, SUITE 600, HONOLULU, HAWAII 96813-5249
PHONE (808) 768-7300 • FAX (808) 768-7311
INTERNET ADDRESS: www.honolulu.gov/lq • E-MAIL: liquor@honolulu.gov



KIRK CALDWELL
MAYOR

JOSEPH V. O'DONNELL
CHAIRMAN

HARSI A. GANABAN
CO-VICE CHAIR

MALANA MINN
CO-VICE CHAIR

DARREN Y. T. LEE
COMMISSIONER

DUANE R. MIYASHIRO
COMMISSIONER

FRANKLIN DON PACARRO, JR.
ADMINISTRATOR

ANNA C. HIRAI
ASSISTANT ADMINISTRATOR

April 30, 2019

US Mail and Email (jason@bamboocatering.net)

Jason Takemura, President
BAMBOO CATERING INC.
dba BAMBOO CATERING
1661 Paula Drive
Honolulu, Hawaii 96816

Dear Mr. Takemura:

Re: Request No. 19-16437 – Request waiver of requirement to submit
a notarized Personal History and Affidavit for all future Special General
License Applications - **Approved with Conditions**
BAMBOO CATERING INC., dba BAMBOO CATERING
1661 Paula Drive, Honolulu, Hawaii 96816

At its hearing on April 30, 2019, the Liquor Commission approved your above-noted request, dated and received April 15, 2019, submitted on behalf of BAMBOO CATERING INC., dba BAMBOO CATERING with the following condition:

- **Approval is for a 2 year duration period only to April 30, 2021, unless any changes are made to the Corporation, which will require submittal of necessary documents.**

Should you have any questions regarding this matter, please call Supervising Licensing Investigator Daniel Sato at 768-7340.

Sincerely,

A handwritten signature in black ink, appearing to read "Franklin Don Pacarro, Jr.", is written over the name.

FRANKLIN DON PACARRO, JR.
Administrator

FDP:dm

21-22970

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LIQUOR COMMISSION
CITY OF HONOLULU

Keith M. Kiuchi, A Law Corporation

1001 Bishop Street, ASB Tower, Suite 985 | Honolulu, HI 96813 | Tel.: (808) 533-2230 |
FAX: (808) 533-4391

VIA E-MAIL – ahirai@honolulu.gov

March 25, 2021

Please place on
Agenda 4/8/21 ch

Ms. Anna Hirai
Assistant Administrator
Honolulu Liquor Commission
711 Kapiolani Blvd., Suite 600
Honolulu, HI 96813

Re: Request for Waiver for Temporary License Application for PB Restaurant Corp.; 1200 Ala Moana Blvd., (Ward Centre), Honolulu, HI 96814, Space B001101 – former site of Kakaako Kitchen

Dear Ms. Hirai:

I represent PB Restaurant Corp. ("PB"). PB presently owns a restaurant in Kailua, next to the Kailua Foodland, which it operates under the trade name Taqueria El Gallo Rosa. PB will be applying for a Class 2 (restaurant) (Category 1 – standard) liquor license and a stand-alone temporary liquor license for new restaurant, located in Ward Centre (1200 Ala Moana Blvd., Space B001101), which is the site of the former Kakaako Kitchen. A liquor license for that premises was previously issued to R & G Restaurant Group, Inc. dba Kakaako Kitchen. That liquor license was not renewed when it expired on June 30, 2007, although Kakaako Kitchen operated until February 28, 2020. PB is applying for a stand-alone temporary liquor license, which will require the Commission to consider a waiver of §3-82.32.1(a) to allow the filing of this application. Specifically, that rule requires that a license application be filed within five (5) working days of the surrender of the previous license or the closing of the business. In this case the liquor license was not renewed after it expired on June 30, 2007, and the establishment closed prior to that date. There has been no intervening tenant since the establishment closed.

PB thus applies to this Commission for a waiver, under Rule §3-81-17.8, of the time deadlines in Rule §3-82.32.1(a), which requires that the application for the temporary liquor license be submitted within five (5) working days of the surrender of the previous license.

1. Requirements of §3-81-17.8. §3-81-17.8 is a rule of the Honolulu Liquor Commission that allows the Commission to "waive any portion of the Rules upon a showing by the license application or the licensee that (A) the license applicant or the licensee would suffer undue hardship, economic or otherwise, if the Rule were to be strictly implemented; (B) the waiver of the Rule would not unduly burden or adversely affect any affected parties; and (C) the waiver is consistent with the underlying purposes of Chapter 281, Hawaii Revised Statutes, as amended, and the Rules."

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HONOLULU COMMISSIONER
OFFICE OF HONOLULU
2021 MAR 25 PM 3:09

2. Premises at 1200 Ala Moana Blvd. (Ward Centre). The previous licensee at this premises was Kakaako Kitchen. Despite a newspaper article stating that Kakaako Kitchen was in business for 25 years when it closed on February 28, 2020¹, as noted in the footnote below Kakaako Kitchen likely operated at this site from 2001 through 2020. The entity operating Kakaako Kitchen held a liquor license at this premises from 2001 – 2007, when they did not renew the liquor license in 2007. This location has always been a restaurant, and as noted in the footnote below, it is likely that Bernard's New York Deli occupied this site from 1995 – 2000. Bernard's New York Deli did NOT have a liquor license. This premises is located on the Ewa-Mauka side of Ward Centre, near the intersection of Auahi St. and Kamakee St. The premises is on the ground floor, and a portion of the premises is in an outdoor covered patio area.

3. Background of Applicant. PB operates Taqueria El Gallo Rosa (the Pink Rooster), in Kailua next to the Kailua Foodland. They specialize in serving tacos and quesadillas, in a menu created by Chef Paul Bentley. Paul Bentley is an Australian-born chef that has received culinary fame as the chef of Magno Brasserie in Jalisco, Mexico. Mr. Bentley had been doing catering for Kevin Comcowich, a licensed Hawaii contractor, in Hawaii, which is how Taqueria El Gallo Rosa came to be. Chef Bentley's take on tacos reflects an acclaimed chef's version of street food, with accompaniments to the protein that make for a product that you would never again compare with Taco Bell. Of note, during the Covid-19 pandemic they have NOT laid off any employees, and they have paid their rent on time each month. Their alcohol offerings present a higher quality of tequila and beers.

4. License Applicant Will Suffer Undue Hardship. The rule allows the request to be made from either "the license applicant or the licensee". In this case PB is the license applicant. The undue hardship here is that if the waiver were not granted, then PB could not obtain a temporary liquor license and would have to wait another 7 plus months for a liquor license.

¹ Per a Star-Advertiser newspaper article dated December 5, 2019 (Betty Shimabukuro, Crave section) Kakaako Kitchen was in business since 1995. That unfortunately is not correct, as an April 9, 1998 restaurant review in the Honolulu Advertiser states that the premises was occupied in 1998 by Bernard's New York Deli. Based upon my research I believe that Bernard's New York Deli, which did not have a liquor license, occupied the space until sometime in 2000. Kakaako Kitchen likely occupied the space from 2001 and not 1995, which is based upon the fact that the trade name "Kakaako Kitchen" was not registered until June 4, 2001, according to the records of the Dept. of Commerce and Consumer Affairs. Kakaako Kitchen was initially operated under the trade name owned by an entity known as RBL, LLC. The company that was operating Kakaako Kitchen since 2002 was known as R & G Restaurant Group, Inc. (incorporated on Feb. 7, 1992). That company did not register the Kakaako Kitchen trade name until 2013. Thus what likely happened was that the liquor license was issued to RBL, LLC dba Kakaako Kitchen in 2001. Per a February 28, 2020 Hawaii News Now article, Kakaako Kitchen closed on February 28, 2020.

Page 3

Letter to Ms. Anna Hirai, Assistant Administrator

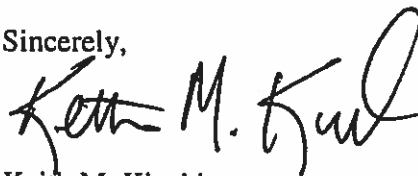
March 25, 2021

What is also crucial, is that while PB has a five-year lease, that lease can be terminated at any time after January 1, 2024. PB is assuming that it is likely that Howard Hughes Corporation will redevelop the Ward Centre site sometime around 2024. Thus having as much time as possible with a liquor license is crucial. PB is putting some infrastructure improvements to the premises. The biggest cost is having to take out pipes below grade that have deteriorated over time. Having a liquor license is crucial to recovering these infrastructure costs.

5. The License Applicant Meets The Other Requirements of §3-81-17.8. §3-81-17.8 also requires that the Licensee show that the waiver of the Rule would not unduly burden or adversely affect any affected parties and that the waiver is consistent with the underlying purposes of Chapter 281, Hawaii Revised Statutes, as amended, and the Rules. In this case there are no other parties that would be affected as any application would have to go through a process which would require a public hearing to obtain input from the surrounding community.

This site is in the middle of Howard Hughes' urban village, and the Applicant's use of the premises is as a restaurant, where the alcohol accompanies the food. Taqueria El Gallo Rosa has survived the pandemic by having a product that fits well into the take-out model, and while customers will sit and eat at the restaurant and consume alcohol, the take-out sales for this Applicant will be a large part of their sales. PB TM would like this matter calendared for Thursday, April 1, 2021. An application will be submitted to this Commission, both for the stand-alone temporary liquor license as well as the new restaurant liquor license, upon the approval of this request for a waiver.

Sincerely,



Keith M. Kiuchi

cc: Client

The Cutlery
3435 Wai'alae Ave. Ste #103
Honolulu, HI 96816

APP# 21-22978

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C&C OF HONOLULU

2021 MAR 29 P 3:54

Honolulu Liquor Commission
City & County of Honolulu
111 Kapiolani Blvd Ste #600
Honolulu, HI 96813

Please place on
Agenda 4/8/21 ah

March 29, 2021

Aloha!

On behalf of "The Cutlery", I, Jordan Fafahin (Part-Owner) kindly requests the Commission to consider my application for a Temporary [Stand Alone] liquor license Application. I am willing and able to attend the next hearing to propose this request. If you have any further questions or concerns please feel free to reach out to me directly. We truly appreciate your time and consideration.

LICENSE # R07166
dba TOWN

nahele hui fofa!
Jordan Fafahin - Owner
The Cutlery
3435 Wai'alae Ave Ste #103
Honolulu, HI 96816
Phone: (808) 349-8916
Email: J.E.CAPITALINVESTMENTGROUP@GMAIL.COM

**LIQUOR COMMISSION
CITY AND COUNTY OF HONOLULU**

711 KAPIOLANI BOULEVARD, SUITE 600, HONOLULU, HAWAII 96813-5249
PHONE (808) 768-7300 • FAX (808) 768-7311
INTERNET ADDRESS: www.honolulu.gov/liq • E-MAIL: liquor@honolulu.gov



RICK BLANGIARDI
MAYOR

NARSI A. GANABAN
INTERIM CHAIRPERSON

MALAMA MINN
CO-VICE CHAIRPERSON

DARREN Y T LEE
CO-VICE CHAIRPERSON

DUAHE R. MIYASHIRO
COMMISSIONER

FRANKLIN DON PACARRO, JR.
ADMINISTRATOR

ANNA C. HIRAJ
ASSISTANT ADMINISTRATOR

April 1, 2021

The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice Chair
and Members of the Committee on Judiciary

The Honorable Donovan M. Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair
and Members of the Committee on Ways and Means

State Senate
State Capitol, Room 211
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee:
Dear Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee:

SUBJECT: House Bill 136 HD1 SD1
Relating to Liquor Licenses

The Liquor Commission, City and County of Honolulu, appreciates the opportunity to submit testimony in support of the above-referenced measure. In essence, the proposed measure makes housekeeping changes to make provisions of HRS §§281-41 and -45 internally consistent, as well as other changes to conform state liquor law to modern business practices. These changes are summarized below.

1. SECTION 1 CHANGES.

A. Regrouping. Proposed changes to HRS §281-41(e) and (i) move partnership-type entities and corporation-type entities to the appropriate paragraph so that each type of business entity is treated within a single paragraph. For both types of entities, commission oversight of the statutorily suitable characteristics of the partner, member, or stockholder who becomes a part of a licensee entity will be retained.

As more particularly described in Item No. 3 below, references to "unfit or improper person/partner/limited partner/transferee/et al." or "fit or proper person/partner/limited partner/transferee/et al." have been changed to the more

objective "does not meet statutory requirements to hold a license" or "does meet statutory requirements to hold a license."

B. Uniform Deadlines and Thresholds. For both types of entities, proposed changes make notices of admission, withdrawal, and other changes of ownership a uniform 30-day deadline, with a 25 percent or more ownership reporting threshold regardless of type of entity. Previously, limited liability partnerships and limited liability companies had to report any change in membership, without a justifiable reason for the different ownership reporting threshold. The proposed change will make the 25 percent or more threshold applicable across the board.

C. Publicly-traded entities. Because of the size of publicly-traded entities, as well as corporate and securities regulation reporting requirements unique to publicly-traded entities, this type of licensee is permitted to restrict reporting and "vetting" of its principals to those designated as "primary decision-makers" regarding the purchase and sale of liquor (PDM), rather than requiring reporting and "vetting" of all principals in the corporate structure. The proposed measure adds publicly-traded limited liability corporations to this special reporting and "vetting" procedure, rather than restricting to just publicly-traded corporations. Commission oversight of the statutorily suitable characteristics of the PDM is retained for both corporations and limited liability companies, as well as the 30-day reporting deadline for election, admission, or replacement of the PDM.

D. Conversion or merger. HRS §281-41(k) currently provides that the conversion of an entity into any other form of entity, or the merger of any entity with any other entity, will not require a transfer application for the underlying liquor license if the commission approves the transaction prior to the conversion or merger. The prior approval requirement inadvertently created a dilemma for many licensees in this situation as there are legitimate business reasons for keeping this type of transaction confidential until the transaction is ready to close. Similar to other changes in the proposed measure, the notice and approval required by this subparagraph has been changed to the 30-day reporting and approval requirement used elsewhere in HRS §281-41, with no reduction in commission oversight of the statutorily suitable characteristics of the entity's principals.

E. "Intermediate" possession or control of the licensed business. HRS §281-41(h) ensures that any transfer of a licensee's business, or transfer of possession and control of the licensed business, must obtain commission approval. This protection prevents hidden ownership or control of a licensed business by an individual or entity that may not be considered to meet statutory requirements to hold a liquor license. The proposed measure adds two types of permissible "intermediate" possession or control – the granting of a Temporary license to an applicant and the use of a management agreement, as defined – provided prior commission approval is obtained. The proposed change will accommodate the common use of a Temporary license in connection with a license transfer or new license application. It will also accommodate the increasing use by licensees of a third party individual or entity to manage and operate the licensee's business on its behalf. In both instances provided the appropriate approvals are obtained, commission oversight over the individual or entity operating the business is retained, while permitting the applicant or licensee reasonable

flexibility in conducting its operations.

F. As more particularly described in Item No. 3 below, references to "unfit or improper person/partner/associate" or "fit or proper person/partner/associate" found in HRS §281-41(g) and (h) have been changed to the more objective "does not meet statutory requirements to hold a license" or "does meet statutory requirements to hold a license."

2. SECTION 2 CHANGES.

HRS §281-45 is the statutory section that lists the characteristics that would make license issuance inappropriate to certain types of individuals or entities. Proposed changes to this section have added conforming changes to match those proposed in Section 1 of the proposed measure. As more particularly described in Item No. 3 below, references to "fit and proper person/persons" found in HRS §281-45(1) have been changed to the more objective "does not meet statutory requirements to have a license" or "does meet statutory requirements to have a license."

3. SECTION 1 AND SECTION 2 CHANGES.

When HB136 HD1 was heard by the Committee on Commerce and Consumer Protection, we respectfully requested that certain conforming language changes be made to the measure to align with proposed changes contained in HB137 HD1, which was heard immediately after HB136 HD1. The changes proposed by HB137 HD1 SD1 propose the elimination of the subjective concept of a "fit and proper person to have a license" for the more objective standard of "one who meets statutory requirements to hold a license." If the Committees on Judiciary and Ways and Means do take action on HB137 HD1 SD1 – which we respectfully urge – the language in both measures will be aligned in terms of this proposed change.

For the foregoing reasons, the proposed measure will clarify, modernize, and make uniform infrastructure changes that our licensees encounter on a regular basis, without any reduction in the commission's ability to exercise oversight of the statutorily appropriate quality of the individuals or entities holding a liquor license. Thank you for the opportunity to testify in support of this proposed measure.

Sincerely,


for Franklin Don Pacarro, Jr.
Administrator

FDPjr.ACH